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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

SFUND RECORDS CTR  
**2108936**

April 9, 2004

Howard Matthews, President  
Certance LLC  
Certance LLC for  
Cipher Data Products  
1650 Sunflower Avenue  
Costa Mesa, CA 92626

Re: Omega Chemical Superfund Site  
12504-12512 E. Whittier Blvd., Whittier, California  
**De Minimis Notice Letter**

Dear Howard Matthews:

The United States Environmental Protection Agency ("EPA") is currently working to clean up the Omega Chemical Superfund Site (the "Site"), a Superfund site located in Whittier, California. Superfund is a federal program administered by the EPA. The Superfund program is designed to clean up hazardous substances ("wastes") that may pose a threat to human health or the environment. Under the Superfund program, EPA has the authority to take actions at sites such as this Site to protect public health, welfare, and the environment. In addition, this law permits EPA to request that parties who are responsible for the waste pay to clean up the Site.

The person or entity identified above, or a predecessor (collectively referred to in this letter as "your company or organization"), was named as the generator of the wastes on one or more manifests for hazardous wastes disposed of at the Site. This letter is intended to provide your company or organization with preliminary information about an upcoming opportunity to settle the liability for disposal of this waste, as well as some background about the Site and the efforts that have been taken to clean it up. In the spring of 2004, EPA will host an informational meeting in the Los Angeles area to discuss the Site. EPA will notify you of the meeting's specific date and time in the near future.

**The Omega Chemical Superfund Site**

The Site is a former refrigerant/solvent recycling operation in Whittier, California. During a Site Assessment in 1995, EPA observed in excess of 3,000 drums at the Site in various stages of

deterioration. Data gathered in 1988 and 1995 also indicated the presence of hazardous substances including but not limited to methylene chloride, tetrachloroethylene, trichloroethylene, and Freon 11 and 113, in the subsurface soils and groundwater at the Site. On May 3, 1995, EPA issued an Action Memorandum authorizing actions necessary to abate imminent and substantial endangerments at the Site, including securing the Site, conducting sampling, removing grossly contaminated equipment, structures, and debris, removing containerized wastes and disposing, stabilizing or treating grossly contaminated soils.

On May 9, 1995 and August 31, 1995, EPA issued Unilateral Administrative Orders ("UAO") to approximately 170 major generator potentially responsible parties (PRPs), all of whom sent 10 tons or greater of hazardous materials to the Site, to perform removal activities at the Site. These major contributing parties thereafter formed a workgroup called the Omega Chemical Site PRP Organized Group or "OPOG" and completed removal activities as required. In September 1998, EPA proposed the Site for listing on the National Priorities List ("NPL"). The Site was placed on the NPL on January 19, 1999.

Currently, the approximately 110 members within OPOG are performing work under a Partial Consent Decree which was entered by the District Court on February 28, 2001. Under this agreement, the Settling Defendants agreed to pay a portion of past costs and perform the following work at the Site:

- 1) implementation of a Remedial Investigation / Feasibility Study ("RI/FS") for contamination in the vadose zone within the "Phase 1A area" of the Site (the Phase 1A area means the area of soil and groundwater contamination associated with the Omega Chemical Corporation property, encompassing approximately one acre, located at 12504 and 12512 Whittier Boulevard and extending downgradient approximately 100 feet southwest of Putnam Street);
- 2) performance of an Engineering Evaluation and Cost Analysis ("EE/CA") addressing groundwater contamination in the Phase 1A area;
- 3) implementation of the response action selected in EPA's Action Memorandum at the conclusion of the EE/CA;
- 4) performance of a risk assessment within the Phase 1A area; and
- 5) installation of up to three groundwater monitoring wells at locations downgradient of the Phase 1A area and upgradient of the City of Santa Fe Springs water supply well.

In addition, EPA has been conducting a Fund-lead groundwater RI southwest (downgradient) of the "Phase 1A" area. In the future, EPA anticipates combining the Fund-lead groundwater RI and the PRP-lead groundwater EE/CA into one FS. At the conclusion of the FS, a Site-wide remedy will be proposed and selected.

In August 2002, EPA issued General Notice Letters to approximately 100 additional major generator PRPs, all of whom sent 10 tons or greater of hazardous materials to the Site. EPA has encouraged these PRPs to initiate dialogue with OPOG concerning joining the established workgroup. EPA will amend the existing Partial Consent Decree to include any parties which join the established group.

### **Potentially Responsible Parties**

Those parties who may be responsible for the waste at Superfund sites are referred to as "potentially responsible parties" or "PRPs". PRPs include individuals, businesses, governmental agencies, and other types of organizations. You may be a PRP if you are:

- 1) a current owner or operator of the Site;
- 2) the former owner or operator of the Site during the period of waste disposal;
- 3) a party that arranged for the treatment, disposal, or transportation of hazardous substances to the Site (a "generator"); or
- 4) a party that selected the Site as a place to dispose of hazardous substances and who transported these substances to the Site (referred to as "transporters").

The parties receiving this letter are all believed to be "generators" of wastes disposed at the Site, and therefore "potentially responsible parties" at the Site.

### **Selecting a Primary Contact to Receive Future Correspondence**

EPA is preparing a package of information that will include a settlement offer in regard to your company or organization's potential liability at the Site. The settlement offer is discussed in further detail later in this letter. EPA will send this package to the person you identify on the enclosed Primary Contact Designation Form. It is anticipated that this package will be issued by EPA in the early part of 2004.



Please use the enclosed form to designate the most appropriate individual to receive all further correspondence on this matter on behalf of your company or organization. Due to the large number of parties receiving this letter, EPA can only send future correspondence and materials to the one contact per company or organization designated on the form. We request that you mail us the completed form within ten (10) days of your receipt of this letter, using the enclosed postage-paid envelope. We will continue to send future correspondence to you until we receive the form.

### **"De Minimis" Settlements**

EPA has designated parties who contributed less than 10 tons of waste to the Site, including all of the parties receiving this letter, as "de minimis" waste generators. These parties are termed de minimis parties because the amount of waste each of these parties contributed to the Site is small compared to the amount of waste contributed by the approximately 210 "major" waste generators. Under Superfund, EPA may offer special settlements to de minimis PRPs, which provide benefits to settling parties. Through a de minimis settlement, you may receive:

1. "Covenant Not to Sue" - This is a promise that the EPA will not bring any future legal actions against you regarding the specific matters addressed in the settlement.
2. "Contribution Protection" - This offers you protection from being held liable to other PRPs at the Site under CERCLA. Sometimes, major waste contributors will sue many small waste contributors to recover cleanup costs. A de minimis settlement provides protection from such suits that extends to all issues addressed in the settlement.

The amount a de minimis settlor may pay as part of the settlement varies from site to site. In general, the payment amount is the sum of a basic payment and a premium amount to address the risk that the cleanup cost may exceed the estimate. The basic payment is calculated using the estimated cost to clean up the Site and the amount of the de minimis party's waste. The premium payment varies according to a variety of factors specific to both the site and the settlement.

Taken together, contribution protection, the covenant not to sue, and other de minimis settlement terms can provide settlers with a high level of certainty that they are protected from future legal actions related to the matters addressed in the settlement.

## **OPOG Action**

In the near future, you may receive a notice letter from OPOG, the established working group, regarding a lawsuit to be filed against you by OPOG. Within that lawsuit, OPOG will demand that you as a contributor of waste found at the Omega Site, pay your proportionate share of the cleanup costs. Under CERCLA Section 113(f), 42 U.S.C. §9613(f), liable parties may seek a contribution of money from other potentially liable parties to share in the cost of the cleanup. OPOG has three years from the date of the entered Partial Consent Decree or until February 28, 2004, to file such a claim against other potentially responsible parties unless the parties agree to extend this timeframe.

Also within this notice letter, OPOG will ask you to sign a Tolling Agreement with OPOG. If you decide to sign the Tolling Agreement, you will be agreeing to extend the amount of time within which OPOG may file a lawsuit against you as a potentially liable party at the Site. EPA highly encourages you to consider signing the Tolling Agreement with OPOG in order to allow you an opportunity to review EPA's settlement offer outside of litigation. If you decide not to sign the Tolling Agreement and OPOG does file its lawsuit, this will not in anyway relieve you of any liability which you may have to the EPA. Moreover, once OPOG files its lawsuit against you, a later settlement with EPA may not relieve your obligation to defend that lawsuit. However, if you decide to sign the Tolling Agreement and then enter into a de minimis settlement with EPA, you will receive contribution protection, that is protection from lawsuits filed by other potentially liable parties including OPOG, under CERCLA.

## **A Settlement Offer Will be Mailed to You or Your Primary Contact**

The package we will send to your Primary Contact in early 2004 will include an offer to settle your company or organization's potential liability at the Site. Your company or organization's cost to join the settlement will be explained, as well as EPA's assessment of the volume of waste attributable to your company or organization. The settlement will take the form of an Administrative Order on Consent, pursuant to CERCLA Section 122(g)(4), 42 U.S.C. § 9622(g)(4). A copy of the proposed Administrative Order on Consent will be included in the package.

The Administrative Order on Consent will become final after a public notice and comment period and approval by the U.S. Attorney General. Once the Administrative Order on Consent is final, and the EPA has received all of the settlement payments, the participating companies and organizations will receive the important benefits previously described in this letter. The terms

of the settlement and the steps in the settlement process will be more fully explained in the package we will be sending to your Primary Contact.

Your company or organization will have sixty (60) days from its receipt of the package to review the offer and return a signature page demonstrating its willingness to settle its CERCLA liabilities for the Site. If your company or organization agrees to join the settlement in principle, but either (i) believes that paying the total settlement amount would cause undue financial hardship and/or, (ii) that the total volume of waste EPA attributes to it is incorrect, you will have the opportunity to request that EPA evaluate your ability to pay the settlement amount and/or to review the volume assessment. Further information about both the financial review process and the volume review process will be provided in the package with the settlement offer. If your company or organization wishes to request a financial and/or volume review, such request (along with all required documents and forms) and the executed signature page must be submitted to EPA within sixty (60) days from receipt of the settlement offer package.

A **Manifest Summary** that lists each waste manifest for your company or organization and the volume for each manifest is included as Attachment A. Copies of manifests will be mailed to you as part of the Settlement Package in the early part of 2004.

We expect that the package we will be sending to your Primary Contact will answer most, if not all, of your questions. However, **EPA has also established a special telephone number and an e-mail address for any interim questions your company or organization may have about this de minimis settlement process.** We have also established internet web pages on the U.S. EPA Region IX web site to provide further information about this de minimis settlement and the Omega Site, which may be located as the Omega Site Overview at:

**<http://yosemite.epa.gov/r9/sfund/overview.nsf>**

The telephone number and e-mail address, as well as the address and telephone number of the information repository near the Site, are provided below.

**Further Information about the Omega Site & the De Minimis Settlement**

EPA encourages you to become more familiar with the Site by reading the enclosed fact sheet. Once we receive your Primary Contact Designation Form, EPA will send the person you designate all of the remaining information your company or organization will need about the upcoming de minimis settlement for the Site.

Copies of site-related documents are located at EPA's Regional Office in San Francisco and at the information repository listed below:

Superfund Records Center  
95 Hawthorne Street (4<sup>th</sup> Floor)  
San Francisco, CA 94105  
Ph: (415) 536-2000

Whittier Public Library  
7344 S. Washington Avenue  
Whittier, CA 90602  
Ph: 562-464-3450

If you have any questions concerning this letter, you may call the following special telephone number we have set up for de minimis parties:

**1-888-635-1524**

You may also send questions by e-mail to the following address:

**omega@epa.gov**

If you include a brief description of your inquiry in the "subject" field of your e-mail, it will help us direct it to the most appropriate person to provide a prompt response. Due to the large number of parties receiving this letter, we may not be able to respond to your telephone or e-mail inquiries immediately, but we promise to make every effort to respond as quickly as we can.

We have enclosed a list of the names and addresses of all PRPs who have received this letter. It is important to note that this list is preliminary and may be modified by EPA at any time.

For your information, enclosed is an information sheet intended to inform small businesses of their rights under the Small Business Regulatory Enforcement Fairness Act (SBREFA) to comment to an Ombudsman about EPA enforcement activity. This information sheet also provides information on compliance assistance available to small businesses. We have included this information sheet without making a determination whether your business is a small business as defined by Section 222 of SBREFA or related provisions.

**Opportunity for an Informational Meeting regarding the Omega Site and this De Minimis Settlement**

As previously mentioned, EPA will offer the de minimis parties the opportunity to attend an informational meeting to learn more

about the Site and the de minimis settlement offer. This meeting will be scheduled for the spring of 2004 in the Los Angeles area. In addition to the informational meeting, EPA representatives will be available on the following day at the same location to answer individual questions you may have concerning the Site. Specific information on the date and time of this meeting will be provided in the Settlement Package. The meeting is intended solely to help answer questions that de minimis parties may have about the Site and the settlement, and we encourage those companies or organizations that want to ask such questions in person to attend. The decision to participate in this voluntary meeting will be wholly up to the individual companies and organizations.

A de minimis settlement may be in your company or organization's best interest. We look forward to receiving your Primary Contact Designation Form shortly, and to keeping the person you designate apprised of further developments in this de minimis settlement process. Thank you in advance for your cooperation, which will help make this process successful for your company or organization as well as for EPA.

Sincerely yours,



Elizabeth J. Adams, Chief  
Superfund Site Cleanup Branch

cc: Thanne Cox, EPA ORC  
Karl Fingerhood, DOJ  
Linda Ketellapper, EPA  
Chris Lichens, EPA RPM

Attachments:

Attachment A - Manifest Summary

Enclosures:

- Primary Contact Designation Form. Please complete and return this form **within 10 days** of your receipt of this letter.
- U.S. EPA Fact Sheet: "Omega Chemical Superfund Site Update"
- List of Recipients
- Information Sheet, U.S. EPA Small Business Resources

## **Attachment A - Manifest Summary**

## PRIMARY CONTACT DESIGNATION FORM

Certance LLC for Cipher Data Products

**PLEASE COMPLETE AND RETURN THIS FORM WITHIN TEN CALENDAR DAYS OF RECEIPT**

Please complete this form by printing or typing the requested information. If any of the information provided on this form changes after submission of the form including, but not limited to, changes in corporate relationships, please notify EPA at the address listed below as soon as possible. Please note that the phrase "your company or organization" has the same meaning as in the General Notice Letter. Thank you for your cooperation.

1. **Please provide the following information** for the one person who will be the above-named company's or organization's contact for all future communications (including correspondence, informational mailings, etc.) from EPA regarding the Omega *de minimis* settlement process. Your company or organization may designate a legal or other representative as the primary contact. Please enter "N/A" if the requested information is not applicable to your company or organization.

Company/Organization Name:  
(if different from above):

Name of Designated Contact :

Contact's Title:

Contact's Firm Name:

Street Address:

City, State & Zip:

Telephone Number:

Fax Number:

E-mail Address:

2. **Other information:**

Company/Organization

Web-site Address:

Law/Consulting Firm Name (if  
applicable):

3. **If you believe your company or organization has been notified in error, please check one of the following:**

- ☐ Your company or organization has never had any connection whatsoever to the named company or organization.  
☐ Other (please explain below; attach an additional sheet if necessary):

Name and address of the company or organization you believe should have been named, if any:

4.. **Printed Name and Signature of Person Completing This Form**

Printed Name

Title

Company/Organization

Signature

Date:

5. **Please use the enclosed pre-addressed and postage-paid envelope to return this form to:**

Linda Ketellapper, Case Developer  
Mail Code SFD-7-B, U.S. Environmental Protection Agency  
75 Hawthorne St., San Francisco, CA 94105

# List of Recipients

1

Libco Company Name	Title	First Name	Last Name	Firm Name	Address	Stm Address	City	State	Zip	County
Aaron Thomas Company, Inc.	President	James T.	Chang	Aaron Thomas Company, Inc.	7390 Hunt Avenue		Garden Grove	CA	92841	
Action Printed Circuits	Owner	James J.	Pinto	Action Printed Circuits	11645 Caminito Magnifica		San Diego	CA	92131	
Advanced Cardiovascular Systems	President	John M.	Capek	Advanced Cardiovascular Systems, Inc.	3200 Lakeside Drive		Santa Clara	CA	95054	
Aeroscientific Corporation	President & CEO	Edward J.	Smith	SMTEK International, Inc. for	Aeroscientific Corporation	200 Science Dr.	Moorpark	CA	93021	
Aircraft Cylinder & Turbine, Inc.	President	Wayne C.	Jones	Aircraft Cylinder & Turbine, Inc.	10959 Tuxford Street		Sun Valley	CA	91352-2626	
All-Star Print, Inc.	President	Mark	Uscher	All-Star Print, Inc.	11754 Roscoe Blvd.	Suite #6	Sun Valley	CA	91352	
Allan Hancock College	Superintendent & President	Ann E.	Foxworthy	Allan Hancock College	800 South College Drive		Santa Maria	CA	93454-6399	
Allen Foam Corporation	President	Hugh W.	Sloan	Allen Foam Corporation	2500 Meijer Drive		Troy	MI	48084	
Allen L Bender, Inc	President	Blake A.	Bender	Allen L. Bender, Inc.	2798 Industrial Blvd.		West Sacramento	CA	95691	
Allergan, Inc.	President	David E. I.	Pyott	Allergan, Inc.	2525 Dupont Drive		Irvine	CA	92612	
Alps Electric (North America), Inc.	President	Takahide	Sato	ALPS Electric (North America), Inc.	30 Las Colinas Lane		San Jose	CA	95119-1212	
Amada Mfg America Inc.	President	Shoichi	Nozaki	Amada MFG America Inc.	14646 Northam Street		La Mirada	CA	90638	
American International Industries	President & CEO	Zvi	Ryzman	American International Industries	2220 Gaspar Avenue		Los Angeles	CA	90040-1516	
Amerimax Building Products, Inc.	President	Scott	Anderson	Admiral Aluminum	c/o Amerimax Building Products, Inc.	5208 Tennyson Parkway	Plano	TX	75024	
Aristech Chemical Corporation	President	Bruce C.	Fischer	Aristech Chemical Corporation	c/o Sunoco Inc.	1801 Market Street	Philadelphia	PA	19103	
Arnold Construction Co.	President	James M.	Feuerstein	Arnold Construction Co.	2293 W. Ball Road		Anaheim	CA	92804-5384	
Arral Industries, Inc.	President	Louis	Arranaga	Arral Industries, Inc.	2101 Carrillo Privado		Ontario	CA	91761	
Arrow Electronics, Inc.	CEO	Daniel W.	Duvall	Arrow Electronics, Inc.	50 Marcus Drive		Melville	NY	11747	



## List of Recipients

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Liabe Company Name	Title	First Name	Last Name	Firm Name	Address	Sup Address	City	State	Zip	Country
Arrowhead Brass Products, Inc.	President	Frank	Enterante	Arrowhead Brass Products, Inc.	5147 Alhambra Avenue		Los Angeles	CA	90032-3488	
Ashland, Inc.	President & CEO	James J.	O'Brian	Ashland Inc.	50 East Rivercenter Boulevard		Covington	KY	41012-0391	
Atlantic Richfield Company	President	Stephen A.	Elbert	Atlantic Richfield Company	200 E. Randolph Drive		Chicago	IL	60601	
Atoll Holdings, Inc.	President	Henry C.	Harbers, Jr.	Atoll Holdings, Inc.	1150 Laurel Lane		San Luis Obispo	CA	93401	
Auto Coach Inc.	President	William	Feldhorn	Auto Coach Inc.	6219 Ramirez Mesa Drive		Malibu	CA	90265	
Automotive Caliper Exchange Incorporated	President	Timothy K.	Campbell	Automotive Caliper Exchange Incorporated	1600 North Kraemer Boulevard		Anaheim	CA	92806	
B. Braun Medical Inc.	President	Caroll H.	Neubauer	B. Braun Medical Inc.	824 12th Ave.		Bethlehem	PA	18018	
Babcock, Inc.	President	Richard S.	Dixon	Babcock, Inc.	14930 East Alondra Boulevard		La Mirada	CA	90638-5752	
Baker Engineering Corporation		Baker Engineering Corporation		David Gill	c/o Danning, Gill, Diamond & Kollitz, LLP	2029 Century Park East, Third Floor	Los Angeles	CA	90067	
Baker-Bradford Holdings Inc.	President	Robert A.	Baker	Baker-Bradford Holdings Inc.	1010 Cindy Lane	Suite 12	Carpinteria	CA	93013	
Baldwin Park Unified School District	Superintendent	Mark	Skvarna	Baldwin Park Unified School District	3699 N. Holly Avenue		Baldwin Park	CA	91706	
BC Laboratories, Inc.	President	Carolyn	Jackson	BC Laboratories, Inc.	4100 Atlas Court		Bakersfield	CA	93308	
Beckman Coulter, Inc. dba Beckman Instruments, Inc.	President	John P.	Wareham	Beckman Coulter, Inc. dba Beckman Instruments, Inc.	4300 North Harbor Blvd.		Fullerton	CA	92834-3100	
Betterbilt Chemicals, Inc.	President	Gayl	Swinehart	Betterbilt Chemicals, Inc.	1455 Palomares Avenue, Suite A		La Verne	CA	91750	
Bevelite Adler	President	James R.	Weinel	Gemini, Inc.	103 Mensing Way		Cannon Falls	MN	55009-1185	
BI Technologies Corporation	President	Bradley	Turner	BI Technologies Corporation	4200 Bonita Place		Fullerton	CA	92835	
Big Three Industries, Inc.	President	Kenneth W.	Miller	Big Three Industries, Inc.	2700 Post Oak Blvd.		Houston	TX	77056	

# List of Recipients

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Liabe Company Name	Title	First Name	Last Name	Firm Name	Address	Sup Address	City	State	Zip	Country
Biltmore Towers	President	George	Weiksner	Biltmore Partners	c/o Calpap VI, Inc., General Partner of Biltmore Partners	11 Madison Avenue	New York	NY	10010	
Biltmore Towers	President	William S.	Pitofsky	Biltmore East Partners	c/o Credit Suisse First Boston Realty, Inc.	General Partner of Biltmore Partners	New York	NY	10010	
Blue Cross of California	President	David S.	Helwig	Blue Cross of California	1 Wellpoint Way		Westlake Village	CA	91362-3893	
Bob Nobles Chevrolet, Inc.	President	Robert L.	Nobles	Bob Nobles Chevrolet, Inc.	687 West Napa Street		Sonoma	CA	95476-6410	
Bowen Printing, Inc.	President	Newell B.	Bowen	Bowen Printing, Inc. d/b/a Bowen Enterprises	380 Coogan Way		El Cajon	CA	92020	
Brunton Enterprises, Inc.	President	John	Brunton, Jr.	Brunton Enterprises, Inc.	dba Plas-Tal Mfg. Co.	8815 Sorensen Ave.	Santa Fe Springs	CA	90670-2636	
Bryant Die Cast Co.	Owner	Samuel W.	Friedman	Bryant Die Cast Co.	8420 Atlantic Avenue		Cudahy	CA	90201-5810	
Burns International Services Corporation	President	Donald W.	Walker	Burns International Services Corporation	200 South Michigan Avenue		Chicago	IL	60604	
Cal Energy Operating Corporation	President	Edward	Heinrich	CalEnergy Operating Corporation	666 Grand Ave., Suite 2900		Des Moines	IA	50309	
California Chassis Inc	President	Michael C.	Doyle	California Chassis, Inc.	3356 E. La Palma		Anaheim	CA	92806	
California Institute of Technology	President	David	Baltimore	California Institute of Technology	1200 E. California Blvd.	Mail Code 204-31	Pasadena	CA	91125	
California State University, Long Beach	President	Robert C.	Maxson	California State University, Long Beach	1250 Bellflower Blvd.		Long Beach	CA	90840	
California State University, Los Angeles	President	James M.	Rosser	California State University, Los Angeles	5151 State University Drive		Los Angeles	CA	90032	
Calsol Inc	President	Margaret	Roff	Calsol, Inc.	123 N. Hamilton Blvd.		Pomona	CA	91768	
Carrier Corporation	President	Geraud	Darnis	Carrier Corporation	One Carrier Place		Farmington	CT	06034-4015	
Carvin Corp.	President	Carson	Kiesel	Carvin Corp.	12340 World Trade Drive		San Diego	CA	92128	

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Liabe Company Name	Title	First Name	Last Name	Firm Name	Address	Sup Address	City	State	Zip	Country
Cast Alloys, Inc.	President	James	Collins	Cast Alloys, Inc.		2141 Palomar Airport Road, Suite 300	Carlsbad	CA	92009-1426	
Cast Metal Finishing	General Partner	Charles J.	Lyon, Jr.	Cast Metal Finishing, a California limited partnership	7350 E. Compton Blvd.		Paramount	CA	90723	
Catholic Healthcare West	President and CEO	Lloyd H.	Dean	Catholic Healthcare West	185 Berry Street	Suite 300	San Francisco	CA	94107	
CBS Broadcasting, Inc.	President	Mel	Karmazin	CBS Broadcasting, Inc.	c/o Viacom Inc.	1515 Broadway	New York	NY	10036	
Cedars-Sinai Medical Center	President	Thomas M.	Priselac	Cedars-Sinai Medical Center	8700 Beverly Blvd., Ste. 2112		Los Angeles	CA	90048	
Centerpulse Dental Inc.	President	Steven E.	Hanson	Centerpulse Dental Inc.	1900 Aston Avenue		Carlsbad	CA	92008-7308	
Central Plants, Inc.	President	Larry J.	Engel	Central Plants, Inc.	715 West 3rd Street		Los Angeles	CA	90071	
Central Plaza	President	David	Lee	Jamison Properties, Inc.	3450 Wilshire Blvd., Ste. #400, Los Angeles, CA	Suite 400	Los Angeles	CA	90010-2208	
Centre Properties Ltd	Chairman & CEO	James	Rosten	Kennedy-Wilson Properties, Ltd.	9601 Wilshire Boulevard	Suite 220	Beverly Hills	CA	90210	
Ceradyne, Inc.	President and CEO	Joel P.	Moskowitz	Ceradyne, Inc.	3169 Redhill Avenue		Costa Mesa	CA	92626	
Channel Industries, Inc.	President	Robert F.	Carlson	Channel Industries, Inc.	839 Ward Drive		Santa Barbara	CA	93111	
Chiera, Inc.	President	John H.	Klopp	Chiera, Inc.	dba Pacific Mechanical Service	1710 Monticello Court	Ontario	CA	91761	
Children's Hospital of Los Angeles	President and CEO	Walter W.	Noce, Jr.	Childrens Hospital of Los Angeles	4650 West Sunset Boulevard		Los Angeles	CA	90027	
City of Carlsbad	City Manager	Raymond R.	Patchett	City of Carlsbad	1200 Carlsbad Village Drive		Carlsbad	CA	92008	
City of Long Beach	City Manager	Gerald R.	Miller	City of Long Beach	333 West Ocean Blvd.	13th Floor, City Hall	Long Beach	CA	90802	
City of Los Angeles	City Attorney	Rocky	Delgadillo	City of Los Angeles	800 City Hall East	200 North Main St.	Los Angeles	CA	90012	

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Liabie Company Name	Title	First Name	Last Name	Firm Name	Address	Sup Address	City	State	Zip	Country
City of Redondo Beach Fire Department	City Manager	Louis N.	Garcia	City of Redondo Beach Fire Department	c/o City of Redondo Beach	415 Diamond Street	Redondo Beach	CA	90277-2836	
City of Santa Barbara	City Administrator/ Clerk/Treasurer	James L.	Armstrong	City of Santa Barbara, Administrative Services	735 Anacapa Street		Santa Barbara	CA	93101	
City Steel Treating	President	Nina	Sullivan	City Steel Treating	13005 Los Nietos Rd.		Santa Fe Springs	CA	90670-3013	
Cleator Corporation	President	Robert K.	Cleator	Cleator Corporation	8725 Production Avenue		San Diego	CA	92121	
Clopay Corporation	President	George A.	Strutz, Jr.	Clopay Corporation	312 Walnut Street	Suite 1600	Cincinnati	OH	45202	
CNF Inc.	President	Gregory L.		CNF Inc.	3240 Hillview Avenue		Palo Alto	CA	94304	
Codeline Corporation	President	Richard J.	Cathcart	Codeline Corporation	1500 County Road B2 W		St. Paul	MN	55113	
College of the Desert	Superintendent	Maria	Sheehan	College of the Desert	43500 Monterey Avenue		Palm Desert	CA	92260-9305	
Conocophillips Company	President	Jim J.	Mulva	ConocoPhillips Company	600 North Dairy Ashford		Houston	TX	77079-1100	
Consolidated Metco, Inc.	President	Ed	Oeltjen	Consolidated Metco, Inc.	d/b/a Cashiers Plastic	13940 N. Rivergate Blvd.	Portland	OR	97203	
Continental Heat Treating, Inc.	President	James G.	Stull	Continental Heat Treating, Inc.	10643 Norwalk Boulevard		Santa Fe Springs	CA	90670-3821	
Cor-Ray Painting Co.	President	James F.	Thompson	Cor-Ray Painting Co.	10114 Shoemaker Avenue		Santa Fe Springs	CA	90670	
Corchem Corporation	President	Jonathan S.	Woods	Corchem Corporation	6374 Topmast Drive		Carlsbad	CA	92009-1256	
Cosco Industries, Inc.	President	David E.	Tittle	Cosco Industries, Inc.	80 Red Schoolhouse Road		Spring Valley	NY	10977	
Couch and Philippi, Inc.	President	Steven J.	Ellsworth	Couch and Philippi, Inc.	10680 Fern Avenue		Stanton	CA	90680-2625	
County of Mohave	County Manager	Ron E.	Walker	County of Mohave	809 East Beale Street		Kingman	AZ	86401	
County of Orange, California	County Counsel	Benjamin	de Mayo	County of Orange	10 Civic Center Plaza		Santa Ana	CA	92701-4017	

## List of Recipients

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Liabe Company Name	Title	First Name	Last Name	Firm Name	Address	Sup. Address	City	State	Zip	Country
County of Riverside	County Executive Officer	Larry	Parrish	Riverside County	4080 Lemon Street	Twelfth Floor	Riverside	CA	92501	
County of San Luis Obispo	County Counsel	James B.	Lindholm, Jr.	County of San Luis Obispo	1050 Monterey Street	Room 386	San Luis Obispo	CA	93408-6000	
Crown Coach, Inc.	President	Gary	Reynolds	Crown Coach, Inc.	c/o GE Capital Rail Services	161 N. Clark St., 7th Floor	Chicago	IL	60601-3375	
CTS Corporation	President & CEO	Donald K.	Schwanz	CTS Corporation	905 West Blvd. North		Elkhart	IN	46514	
Cubic Communications, Inc	President	Richard M.	Lober	Cubic Communications, Inc.	9535 Waples St.		San Diego	CA	92121	
Cypress College	President	Marjorie D.	Lewis, Ph.D.	Cypress College	9200 Valley View		Cypress	CA	90630	
Daico Industries, Inc.	President	Larry	Towne	Daico Industries, Inc.	1070 East 233rd St.		Carson	CA	90745-6205	
Dale Carter's Sacramento Plating, Inc.	President	Dale	Carter	Dale Carter's Sacramento Plating, Inc.	111 Dawn River Way		Folsom	CA	95630	
Darner Motor Sales, Inc.	President/CEO	Joel O.	Darner, II	Darner Motor Sales, Inc.	837 West Main Street		Mesa	AZ	85201-7105	
Data Label Products, Inc.	President	David G.	Jensen	Data Label Products, Inc.	840 North Cummings Road		Covina	CA	91724-2505	
Del Mar Analytical, Inc.	President	Gary D.	Steube	Del Mar Analytical, Inc.	2852 Alton Parkway		Irvine	CA	92606	
Denso Sales California, Inc.	President	Hisashi	Matsunobu	Denso Sales California, Inc.	3900 Via Oro Avenue		Long Beach	CA	90810-1893	
Derby Holdings Ltd.				Derby Holdings Ltd.	925 West Georgia Street	Suite 1902	Vancouver	BC	V6C 3L2	CA
Deringer Mfg. Company	President	John L.	Wallace	Deringer Mfg. Company	1250 Townline Rd.		Mundelein	IL	60060	
Digmor, Inc.	President	Dan	Bloom	Digmor Inc.	c/o I Corporation	4000 Embassy Parkway	Akron	OH	44333	
Dixco Diversified Chemical Sales	President	Elan	Rafferty	Dixco Diversified Chemical Sales	829 W. Jade Way		Anaheim	CA	92805	
DKC Holdings, Inc.	President	Donald M.	Koll	DKC Holdings, Inc.	4343 Von Karman Avenue		Newport Beach	CA	92660	
Downey Valve Co	President	Jeremy	Cassaday	Downey Valve Co	350 Salta Verde Pt.		Long Beach	CA	90803	

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Liability Company Name	Title	First Name	Last Name	Firm Name	Address	Suite Address	City	State	Zip	Country
Dunn-Edwards Corporation	President	Michael G.	Rose	Dunn-Edwards Corporation	4885 East 52nd Place		Los Angeles	CA	90040	
E.I. du Pont de Nemours and Company	CEO	Charles	Holliday, Jr.	E.I. du Pont de Nemours and Company	1007 Market St.		Wilmington	DE	19898	
Eagle Marine Services, Ltd.	President	Edward W.	Aldridge	Eagle Marine Services, Ltd.	1111 Broadway		Oakland	CA	94607	
Earl Scheib Paint & Supply Co.	President	Christian K.	Bement	Earl Scheib Paint & Supply Co.	15206 Ventura Blvd	Suite 200	Sherman Oaks	CA	91403	
Eastman Kodak Company	President & CEO	Daniel A.	Carp	Eastman Kodak Company	343 State Street		Rochester	NY	14650	
Ed-Lin Auto Body, Inc.	President	Edward	Murphy	Ed-Lin Auto Body, Inc.	d/b/a Modern Auto Body of Glendale	3829 San Fernando Rd.	Glendale	CA	91204-2735	
Enclos Corp.	President/CEO	Peter	Koukos	Enclos Corp.	2770 Blue Water Road		Eagan	MN	55121-1400	
Essef Corporation	President	Thomas B.	Waldin	Essef Corporation	220 Park Drive		Chardon	OH	44024	
Essilor Optical, Inc.	President	Philippe	Alfroid	Essilor Optical, Inc.	2400 118th Avenue North		St. Petersburg	FL	33716	
Exxonmobil Chemical Company	Superfund Group Manager	Zane K.	Bolen	ExxonMobil Refining and Supply Co. for ExxonMobil Chemical Co.	601 Jefferson Street	12th Floor	Houston	TX	77002	
Ferro Cast Company	President	Roy T.	Thorsen	Ferro Cast Company	3820 N. Ventura Ave.		Ventura	CA	93001-1237	
Firestone	President/CEO	Mark	Emkes	Bridgestone/Firestone North American Tire, LLC	One Bridgestone Park		Nashville	TN	37214	
Fleet Aerospace, Inc.	President	N. Murray	Edwards	Fleet Aerospace, Inc.	812 Riverdale Avenue S W		Calgary, Alberta	CAN	T2S 0R3	
Fleetwood Motor Homes of California, Inc.	President	Edward	Caudill	Fleetwood Motor Homes of California, Inc.	3125 Myers Street		Riverside	CA	92513	
Fong & Fong Printers and Lithographers, Inc.	President	Paul	Fong	Fong & Fong Printers and Lithographers, Inc.	3009 65th Street		Sacramento	CA	95820	
Fort Kent Holdings, Inc.	President	Jeremiah	Robins	Fort Kent Holdings, Inc.	3333 N. Torrey Pines Ct.	Suite 220	La Jolla	CA	92037	
Frazee Industries, Inc.	President	Nicholas L.	Frazee	Frazee Industries, Inc.	d/b/a Frazee Paint & Wallcovering	6625 Miramar Road	San Diego	CA	92121	
Friction, Inc	President	Donald A.	Boeckensstedt	Friction, Inc.	572 Blackthorn Drive		Crystal Lake	IL	60014	

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Liabe Company Name	Title	First Name	Last Name	Firm Name	Address	Sup. Address	City	State	Zip	Country
General Ribbon Corp.	President	Stephen R.	Morgan	General Ribbon Corp.	20650 Prairie Street		Chatsworth	CA	91311-6075	
Geo International Corporation	President	William J.	Garry	Geo International Corporation	2310 Brookside Lane		Aurora	IL	60504	
Georges & Shapiro Lithograph, Inc	President & Chairman	Joe R.	Davis	Georges & Shapiro Lithograph, Inc.	5858 Westheimer, Suite 200		Houston	TX	77057	
Gilbert Industrial Corporation	President	Richard W.	Colf	Gilbert Industrial Corporation	2200 Columbia House Boulevard		Vancouver	WA	98661	
Giumarra Vineyards Corporation	President	Sal	Giumarra	Guimarra Vineyards Corporation	11220 S. Edison Rd.		Bakersfield	CA	93307-9413	
Glendale Adventist Medical Center	President & CEO	Scott	Reiner	Glendale Adventist Medical Center	1509 Wilson Terrace		Glendale	CA	91206-4007	
Good Marc, Inc.	President	Mark V.	Goodyear	Good Marc, Inc.	2 Puerto Valdemo		San Clemente	CA	92672-6059	
Good-West Rubber Corp.	President	Larry R.	Sears	Good-West Rubber Corp.	8833 Industrial Lane		Rancho Cucamonga	CA	91730	
Gramman Enterprises, Inc.	President	E.G.	Gramman	Gramman Enterprises, Inc.	1967 Garrison Way		El Cajon	CA	92019-2646	
Graycon, Inc.	President	Joseph F.	Klein	Graycon, Inc.	232 South 8th Avenue		City of Industry	CA	91746-3200	
Griffith Company	Registered Agent	William B.	Barnes	Griffith Company	12200 Bloomfield Ave.	P.O. Box 2150	Santa Fe Springs	CA	90670	
Group One Label, Inc.	President	David	Puopolo	Group One Label, Inc.	10880 Thienes Avenue		South El Monte	CA	91733-3402	
Hamby Corporation	President	Ginette	Hamby-Sanna	Hamby Corporation	27704 Avenue Scott		Valencia	CA	91355-1218	
Hamilton Sundstrand Corporation	President	Ronald F.	McKenna	Hamilton Sundstrand Corporation	One Hamilton Road		Windsor Locks	CT	6096	
Harmon Industries, Inc.	President	Bjorn E.	Olsson	Harmon Industries, Inc.	1600 NE Coronado Drive		Blue Springs	MO	64014	
Henkel Corporation	President	John E.	Knudson	Henkel Corporation	2200 Renaissance Blvd.	Suite 200	King of Prussia	PA	19406	
Hermetic Seal Corporation	President	Richard	Ferraid	Hermetic Seal Corporation	4232 Temple City Blvd.		Rosemead	CA	91770	
Hewlett-Packard Company	President	Carleton S.	Fiorina	Hewlett-Packard Company	3000 Hanover St.		Palo Alto	CA	94304	
Hexcel Corporation	President	David E.	Berges	Hexcel Corporation	Two Stamford Plaza, 16th Floor	281 Tresser Blvd.	Stamford	CT	06901-3249	
HLM Labeling Incorporated	President	Herbert L.	Marks	HLM Labeling Incorporated	6096 Barry Drive		Cypress	CA	90630-3902	

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Liabe Company Name	Title	First Name	Last Name	Firm Name	Address	Sup Address	City	State	Zip	Country
Holly Decorations, Inc.	President	Edward H.	Scott	Holly Decorations, Inc.	5905 Franktown Rd		Carson City	NV	89704	
Hotel Del Coronado	President	John B.	Platt	L-O Coronado Hotel, Inc.	11777 San Vicente Blvd	Suite 900	Los Angeles	CA	90049-5084	
I & I Deburring, Inc.	President	Gary G.	Wollum	I & I Deburring, Inc.	14504 Carmenita Road		Norwalk	CA	90650	
Illinois Tool Works, Inc.	President & CEO	W. James	Farrell	Illinois Tool Works, Inc.	3600 West Lake Avenue		Glenview	IL	60025	
Image Transform, Inc.	President	William	Fitzgerald	4MC-Burbank, Inc.	for Image Transform, Inc.	520 Broadway, 5th Fl.	Santa Monica	CA	90401	
IMO Industries, Inc.	President	John A.	Young	IMO Industries, Inc.	997 Lenox Drive	Suite 111	Lawrenceville	NJ	8648	
In-Terminal Services Corporation	President	John J.	Lanigan	In-Terminal Services Corporation	3111 W. 167th St.		Hazel Crest	IL	60429	
Industrial Property Management	Owner	Harry Rhoads	Martin, Jr.	Industrial Property Management	1495 East Warner Avenue		Santa Ana	CA	92705	
Interface Technology, Inc. - DTI Holdings, Inc.	President	P. Timothy	Monohan	Interface Technology, Inc.	300 S. Lemon Creek Drive	Suite A	Walnut	CA	91789	
International Business Machines Corporation	Chairman, President and CEO	Samuel J.	Palmisano	International Business Machines Corporation	New Orchard Road		Armonk	NY	10504	
International Label & Tape Co.	Partner	Cliff C.	Chung	International Label & Tape Co.	10536 Norwalk Blvd.		Santa Fe Springs	CA	90670	
IT Corporation	Vice President	James M.	Redwine	IT Corporation	2790 Mosside Blvd.		Monroeville	PA	15146	
Ivy Hill Corporation	President & CEO	Ellis	Kern	Ivy Hill Corporation	1400 East Lackawanna Avenue		Olyphan	PA	18448	
J R Simplot Company	CEO	Lawrence S.	Hlobik	J.R. Simplot Company	999 West Main Street, Suite 1300		Boise	ID	83702	
J.C. Penney Corporation, Inc.	Chairman & CEO	Allen I.	Questrom	J.C. Penney Corporation, Inc.	6501 Legacy Drive		Plano	TX	75024	
J.D. Property Management, Inc.	President	Joseph W.	DeCarlo	J.D. Property Management, Inc.	3520 Cadillac Avenue, Suite B		Costa Mesa	CA	92626	
Jackson Corporation	President	M David	Brown	Jackson Corporation	3447 Union Pacific Ave.		Los Angeles	CA	90023	
Jacuzzi Whirlpool Bath, Inc.	President & CEO	Donald C.	Devine	Jacuzzi Whirlpool Bath, Inc.	2121 North California Blvd.	Suite 475	Walnut Creek	CA	94596	



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Liability Company Name	Title	First Name	Last Name	Firm Name	Address	City	State	Zip	Country
Jafra Cosmetics International, Inc.	President	Ronald	Clark	Jafra Cosmetics International, Inc.	2451 Townsgate Road		Westlake Village	CA	91361
JBL Incorporated	President	Sidney	Hamman	JBL Incorporated	c/o JBL Professional	8500 Balboa Blvd.	Northridge	CA	91329
JBL Scientific Inc.	President	Lauren R.	Brown	Promega Biosciences, Inc.	277 Granada Drive		San Luis Obispo	CA	93401
JH/JN Enterprises, Inc.	Registered Agent	James Robert	Dennis	USL, Inc. for JH/JN Enterprises, Inc.	11995 El Camino Real	Suite 302	San Diego	CA	92130
K-Tube Corporation	President	Terry	McCune	K-Tube Corporation	13400 Kirkham Way		Poway	CA	92064-7134
Kern High School District	Superintendent	William D.	Hatcher	Kern High School District	5801 Sundale Avenue		Bakersfield	CA	93309
Korpac-USA	President	John J.	Lee	Korpac-USA	c/o Astron Comdesk, Inc.	501 Gerhold Lane	Placentia	CA	92870
Kwikset Corporation	President	Christopher T.	Metz	Kwikset Corporation	19701 Da Vinci		Lake Forest	CA	92610
Kyowa America Corporation	President	Sumito	Furuya	Kyowa America Corporation	385 Clinton Street		Costa Mesa	CA	92626-6021
Ladder Industries	President	George J.	Larson	Ladder Industries	1040 South Camino Oro Drive		Goodyear	AZ	85338
Laguna Laboratories, Inc.	President	Wilbert G.	Dugan	Laguna Laboratories, Inc.	c/o Rand Precision Optics	1307 East Pomona Street	Santa Ana	CA	92705-4810
Litronic Industries, Inc.	President	Kris	Shah	Litronic Industries, Inc.	17861 Cartwright Road		Irvine	CA	92614
Lockheed Martin Corporation	CEO	Vance D.	Coffman	Lockheed Martin Corporation	6801 Rockledge Drive		Bethesda	MD	20817
Lockheed Martin Electro-Optical Systems, Inc.	President	Robert	Mueller	Lockheed Martin Electro-Optical Systems, Inc.	600 East Bonita Ave.		Pomona	CA	91767
Loews Santa Monica Hotel, Inc.	President	Jonathan	Tisch	Loews Santa Monica Hotel, Inc.	667 Madison Ave.		New York	NY	10021
Long Beach Unified School District	Superintendent	Christopher J.	Steinhauser	Long Beach Unified School District	1515 Hughes Way		Long Beach	CA	90810
Loyola Marymount University	President	Robert B.	Lawton, S.J.	Loyola Marymount University	One LMU Drive, Suite 4844		Los Angeles	CA	90045-2659
Luppen Holdings, Inc.	President	Luppe R.	Luppen	Luppen Holdings, Inc.	3050 Leonis Blvd.		Los Angeles	CA	90058

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Liable Company Name	Title	First Name	Last Name	Firm Name	Address	Sub Address	City	State	Zip	Country
M & M Printed Bag, Inc.	President	Ernest N.	Taylor	M & M Printed Bag, Inc.	5651 Kimball Avenue		Chino	CA	91710-9121	
Maaco Enterprises, Inc.	Chairman & CEO	Anthony A.	Martino	MAACO Enterprises, Inc.	381 Brooks Road		King of Prussia	PA	19406	
Macerich Property Management Company, LLC	President & CEO	Arthur M.	Coppola	The Macerich Company	for Macerich Property Management Company, LLC	401 Wilshire Boulevard, Suite 700	Santa Monica	CA	90401	
Madison Industries, Inc.	President	John S.	Frey	Madison Industries, Inc.	1900 East 64th Street		Los Angeles	CA	90001	
Magnetic Data, Inc	President	Brian R.	Stone	Magnetic Data California, LLC	600 Pine Avenue		Goleta	CA	93117-3831	
Mail-Well I Corporation	President	Paul V.	Reilly	Mail-Well I Corporation	8310 South Valley Highway, Suite 400		Englewood	CO	80112-5806	
Martek Power Abbott, Inc.	President	Ahmad	Innab	Martek Power Abbott Inc.	2727 S. La Cienega Blvd.		Los Angeles	CA	90034	
Masonite Corporation	President	Philip S.	Orsino	Masonite Corporation	One North Dale Mabry Highway	Suite 950	Tampa	FL	33609	
Matthews International Corporation	President	David M.	Kelly	Matthews International Corporation	Two North Shore Center		Pittsburgh	PA	15212-5851	
Maxon Industries, Inc.	President	Pat	Michenaud	Maxon Industries, Inc.	11921 Slauson Ave.		Santa Fe Springs	CA	90670-2221	
McGraw-Edison Company	President	D. Bradley	McWilliams	McGraw-Edison Company	600 Travis St.	Suite 5800	Houston	TX	77002	
Melles Griot, Inc.	President & CEO	Blake D.	Fennell	Melles Griot, Inc.	2051 Palomar Airport Rd.	Suite 200	Carlsbad	CA	92009	
Merle Norman Cosmetics, Inc.	CEO	Arthur O.	Armstrong	Merle Norman Cosmetics, Inc.	9130 Bellanca Avenue		Los Angeles	CA	90045-4710	
Mid-Cal Painting & Drywall, Inc.	President	Randall Joseph	Taylor	Mid-Cal Painting & Drywall, Inc.	786 Cambridge Dr.		Santa Barbara	CA	93111	
Mighty Mover Trailers, Inc	President	Rex T.	Burgus	Mighty Mover Trailers Inc.	224 N. Sherman Ave.		Corona	CA	92882-1843	
Minson Corporation	Owner	Jennifer	Chen	Minson Corporation	1441 Peerless Way		Montebello	CA	90640	
Mnemonics Inc	Esq.	Brian	Leck	Mnemonics, Inc.	c/o Allen, Matkins, Leck, Gamble & Mallory	515 South Figueroa St., 7th Floor	Los Angeles	CA	90071	

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Liabe Company Name	Title	First Name	Last Name	Firm Name	Address	Sup Address	City	State	Zip	Country
Moore Wallace North America, Inc.	President	Mark A.	Angelson	Moore Wallace North America, Inc.	1 Canterbury Green		Stamford	CT	06901-2035	
Morgan Gallacher, Inc.	President	David M.	Smith	Morgan Gallacher, Inc.	8707 Millergrove Drive		Santa Fe Springs	CA	90670	
National Steel & Shipbuilding Co.	VP & General Counsel	Lane L.	McVey	National Steel & Shipbuilding Co.	2798 East Harbor Drive		San Diego	CA	92113	
New Pacific Realty Corporation	President	David P.	Margulies	New Pacific Realty Corporation for The Transamerica Center	335 North Maple Drive, Suite 366		Beverly Hills	CA	90210	
Newton Heat Treating Company, Inc.	President	Howard	Karesh	Newton Heat Treating Company, Inc.	19235 E. Walnut Dr. N.		City of Industry	CA	91748-1438	
Nobel Biocare USA, Inc.	President	Martin J.	Dymek	Nobel Biocare USA, Inc.	22715 Savi Ranch Parkway		Yorba Linda	CA	92887-4609	
Northern California Labels, Inc.	President	Ronald	Broussard	Northern California Labels, Inc.	12809 Marquardt Avenue		Santa Fe Springs	CA	90670-4827	
Northwestern, Inc.	President	C. Wayne	Noecker	Northwestern, Inc.	15054 Oxnard Street		Van Nuys	CA	91411-2612	
Oakite Products, Inc.	President	Ronald J.	Felber	Oakite Products, Inc.	50 Valley Road		Berkely Hights	NJ	7922	
Occidental Fire and Casualty Company of North Carolina	President	Stephen L.	Stephano	Occidental Fire & Casualty Company of North Carolina	702 Oberlin Road		Raleigh	NC	27605	
Ocean Painting	Registered Agent	Young Woo	Lee	Ocean Painting Company, Inc.	338 North Canal Street	# 15	South San Francisco	CA	94080	
Omni Metal Finishing, Inc.	President	Victor M.	Salazar	Omni Metal Finishing, Inc.	11665 Coley River Circle		Fountain Valley	CA	92708	
Ontario-Montclair School District	Superintendent	Sharon	McGehee	Ontario-Montclair School District	950 West D Street		Ontario	CA	91762-3026	
Oxnard Union High School District	Superintendent	Gary	Davis	Oxnard Union High School District	309 South K Street		Oxnard	CA	93030	
Painting & Stripping Corporation of America	President	Ronald	Usrey	Painting & Stripping Corporation of America	10051 Greenleaf Avenue		Santa Fe Springs	CA	90670	
Pall Filtration and Separations Group Inc.	President	Charles	Hoffman	Pall Filtration and Separations Group, Inc.	2118 Greenspring Dr.		Timonium	MD	21093-3112	
Pan Pacific Fisheries, Inc.	President	Ellen M.	Canino	Tuna Melt, Inc.	439 Marlborough Road		Glastonbury	CT	6033	
Pasadena City College	Superintendent-President	James P.	Kossler	Pasadena City College	1570 E. Colorado Blvd.		Pasadena	CA	91106-2003	

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Liabe Company Name	Title	First Name	Last Name	Firm Name	Address	Sup Address	City	State	Zip	Country
Pasminco Incorporated	President	Willem P.F.H.	De Graaff	Pasminco Incorporated	c/o U.S. Metal Sales	70 Saint George Avenue	Stamford	CT	6905	
Peerless Cine Products	Owner	Stanley	Cohen	Peerless Cine Products		3307 Haven Way	Burbank	CA	91504	
Penske Corporation	President	Robert H.	Kurnick, Jr.	Penske Corporation	c/o Penske Auto Center	2555 South Telegraph Road	Bloomfield Hills	MI	48302-0954	
Perfectdata Corporation	President	Harris A.	Shapiro	PerfectData Corporation	110 West Easy St.		Simi Valley	CA	93065-1689	
Perkinelmer, Inc.	President	Gregory L.	Summe	Perkinelmer, Inc.	45 William St., Suite 300		Wellesley	MA	02481-4008	
Permalite Plastics Corporation	President	Frederic	Van Bergh	Permalite Plastics Corporation	1131 Baker St.		Costa Mesa	CA	92626	
Petro Lock, Inc.	President	Wayne R.	Ulberg	Petro Lock, Inc.	45315 N. Trevor Avenue		Lancaster	CA	93534	
Philips Electronics North America Corporation	President/CEO	William E.	Curran	Philips Electronics North America Corporation	1251 Avenue of the Americas	19th Floor	New York	NY	10020	
Photo Chemical Products of California, Inc.	President	James M.	Jennison	Photo Chemical Products of California, Inc.	4841 Chino Ave.		Chino	CA	91710	
Photo Fabricators, Inc.	President	John R.	Brooks	Photo Fabricators, Inc.	7648 Burnet Avenue		Van Nuys	CA	91405	
Pneudraulics, Inc.	President	Eric J.	Saville	Pneudraulics, Inc.	8575 Helms Avenue		Rancho Cucamonga	CA	91730-4519	
Pocino Foods Company	President	Frank J.	Pocino	Pocino Foods Company	14250 Lomitas Ave.		City of Industry	CA	91746-3014	
Porcelain Metals Corporation	President	Allan C.	Lerch	Porcelain Metals Corporation	1400 S. 13th St.		Louisville	KY	40210-1834	
Precision Anodizing, Inc.	President	Jerry R.	Frost	Precision Anodizing, Inc., d/b/a Precision Painting	1005 E. Orangethorpe Ave.		Anaheim	CA	92801	
Precision Tag & Label Corporation	President	Raymond	Bilodeau	Precision Tag & Label Corporation	4735 Industrial Street, Suite 4A		Simi Valley	CA	93063	
Premier Refractories, Inc.	President	Mark K.	Fishier	Premier Refractories, Inc.	27 Noblestown Road		Carnegie	PA	15106-1632	
Primus Group, Inc.	President	Robert F.	Stovicek	Primus Group, Inc., d/b/a Primus Laboratories	2810 Industrial Parkway		Santa Maria	CA	93455	
Print Sales, Inc.	President	Sheldon	Eisenman	Print Sales, Inc.	7869 Paramount Blvd.		Pico Rivera	CA	90660	

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Table Company Name	Title	First Name	Last Name	Firm Name	Address	Street Address	City	State	Zip	Country
Quaker City Plating & Silversmith, LP	President	Michael I.	Crain	Quaker City Management, Inc., general partner	for Quaker City Plating & Silversmith, LP	14128 Beresford Rd.	Beverly Hills	CA	90210	
R & R Industrial Waste Haulers	President	Roosevelt	Larks, Sr.	R and R Industrial Waste Haulers	4047 South Dalton Avenue		Los Angeles	CA	90062	
R & S Processing Company, Inc.	President	Karen A.	Kelly	R & S Processing Co., Inc.	15712 Illinois Avenue		Paramount	CA	90723-4113	
R.E. Holland Enterprises, Inc.	President	Dwayne	Holland	D&D Holland Enterprises LLC	1500 West Pier C Street		Long Beach	CA	90813-4043	
Radiant Technology Corp	President	Lawrence R.	McNamee	Radiant Technology Corporation	1335 S. Acacia Ave.		Fullerton	CA	92831-5315	
Rand McNally & Company	President	Michael K.	Hehir	Rand McNally & Company	8255 North Central Park		Skokie	IL	60076-2908	
Rantec Power Systems Inc.	President	C. J.	Kretschmer	Rantec Power Systems Inc.	1173 Los Olivos Avenue		Los Osos	CA	93402	
Raphael, Inc.	President	Arnon	Raphael	Raphael, Inc.	7734 Woodrow Wilson Dr.		Los Angeles	CA	90046	
Regional Office Services, Inc	President	John P.	Hodge	Regional Office Services, Inc.	9372 Hazelbrook Drive		Huntington Beach	CA	92646	
Rexam Beverage Can Company	President	William	Barker	Rexam Beverage Can Company	8770 W. Bryn Mawr Ave.		Chicago	IL	60631	
Riccobon & Company	President	Paul	Riccobon	Riccobon & Company	13827 Carmenita Rd.		Santa Fe Springs	CA	90670	
Ricoh Electronics, Inc.	President	Shunsuke	Nakanishi	Ricoh Electronics, Inc.	1100 Valencia Ave.		Tustin	CA	92780	
Riverside County Publishing Co	President	James K.	Rifenbergh	Riverside County Publishing Company of California	7190 Jurupa Avenue		Riverside	CA	92504	
Robinson Helicopter Company, Incorporated	President	Frank	Robinson	Robinson Helicopter Company, Inc.	2901 Airport Dr.		Torrance	CA	90505	
Rooke Corp.	President	William I.	Rooke	Rooke Corp.	7230 Fulton Avenue		North Hollywood	CA	91605	
S & H Cabinets and Manufacturing, Inc.	President	Ernest	Hansen	S & H Cabinets and Manufacturing, Inc.	10860 Mulberry Ave.		Fontana	CA	92337-7027	
San Diego Unified School District	Superintendent	Alan D.	Bersin	San Diego Unified School District	4100 Normal Street		San Diego	CA	92103-2653	
San Joaquin Refining Co	President	Majid	Mojibi	San Joaquin Refining Co., Inc.	3129 Standard Street		Bakersfield	CA	93308	
Santa Fe Braun, Inc.	President	John	Mika	Santa Fe Braun, Inc.	5420 LBJ Frwy., #1100		Dallas	TX	75240	

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Libco Company Name	Title	First Name	Last Name	Firm Name	Address	Sub Address	City	State	Zip	Country
Sears, Roebuck and Co.	President	Alan J.	Lacy	Sears, Roebuck and Co.	3333 Beverly Road		Hoffman Estates	IL	60179	
Senior Operations, Inc.	President	Michael W.	Sheppard	Senior Operations, Inc.	300 East Devon Avenue		Bartlett	IL	60103	
Sharpe Manufacturing Co	President	Michael	McCourt	Sharpe Manufacturing Co.	8750 Pioneer Blvd.		Santa Fe Springs	CA	90670-2006	
Shepherd Machinery Corporation	President & CEO	Willard	Shepherd, III	Shepherd Machinery Corporation	3500 Shepherd Drive		Whittier	CA	90601-4700	
Shibuya International, Inc	President	Kiyomi	Saisho	Shibuya International, Inc.	1070 Reno Ave.		Modesto	CA	95351	
Shield Packaging of California, Inc.	President	George P.	Bates	Shield Packaging of California, Inc.	15 University Rd		Canton	MA	2021	
Shop Vac Corporation	President and CEO	Jonathan	Miller	Shop Vac Corporation	2323 Reach Road		Williamsport	PA	17701	
Siemens Solar Industries International, Inc.	President	Gernot	Oswald	Siemens Solar Industries International, Inc.	4650 Adohr Lane		Camarillo	CA	93012	
Simpson Strong-Tie Company Inc.	President	Thomas J.	Fitzmyers	Simpson Strong-Tie Company Inc.	4120 Dublin Blvd., Ste. 400		Dublin	CA	94568	
Six Flags Theme Parks Inc.	President	Kieran E.	Burke	Six Flags Theme Parks Inc. c/o Six Flags, Inc.	122 E. 42nd Street		New York	NY	10168	
Snaeco Specialty Corporation	President	Steve	Sherlin	Snaeco Specialty Corporation	4233 Alonzo Avenue		Encino	CA	91316	
Solder Station-One, Inc.	President	Fred	Hayward	Solder Station-One, Inc.	2231 W. Cape Cod Way		Santa Ana	CA	92703	
Source Scientific, Inc.	President	Richard A.	Sullivan	Source Scientific, Inc.	21081 Barclay Lane		Lake Forest	CA	92630	
Southwest Chemical Co.	President	David R.	Gibbs	Southwest Chemical Co.	1852 Ross Ave		El Centro	CA	92243-3733	
Southwestern Industries, Inc.	President	Richard W.	Leonhard	Southwestern Industries, Inc.	2615 Homestead Place		Rancho Dominguez	CA	90220-5610	
Space Age Plating, Inc.	President	Joseph	Roter	Space Age Plating, Inc. d.b.a.	Plateronics Processing	9164 Independence Avenue	Chatsworth	CA	91311	
Spreckels Sugar Company, Inc	President	Robert A.	Peiser	Holly Sugar Corporation	for Spreckels Sugar Company, Inc.	8016 Highway 90 A	Sugar Land	TX	77487	
Square D Company	President	Chris	Richardson	Square D Company, d/b/a Yates Industries	1415 S. Roselle Rd.		Palatine	IL	60067	
State of California, Department of Health Services	Deputy Attorney General	Carol A.Z.	Boyd	State of California, Department of Justice	Ronald Reagan Building	300 South Spring St., Suite 1702	Los Angeles	CA	90013	

# List of Recipients

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Table Company Name	Title	First Name	Last Name	Firm Name	Address	Sub Address	City	State	Zip	Country
State of California, Metropolitan State Hospital	Executive Director	William G.	Silva	Metropolitan State Hospital	11401 Bloomfield Ave.		Norwalk	CA	90650	
Superior Controls Co., Inc.	President	Allen	Greenland	Superior Controls Co., Inc.	24950 Avenue Kearny		Valencia	CA	91355	
Tec Color Craft	President	Edgar A.	Frenkiel	Tec Color Craft	515 East Edna Place		Covina	CA	91723-1311	
Tech-Graphic, Inc.	President	Paul Thomas	Cain	Tech-Graphic, Inc.	315 South Flower Street		Burbank	CA	91502	
Textron Inc.	President	Lewis B.	Campbell	Textron Inc.	40 Westminster Street		Providence	RI	2903	
The A&T Group, Inc.	President	Anthony	Todora	The A&T Group, Inc.	1379 W Park Western Dr. #338		San Pedro	CA	90732-2217	
The Aerospace Corporation	President	William F.	Ballhaus Jr.	The Aerospace Corporation	2350 East El Segundo Blvd. M1/040		El Segundo	CA	90245-4609	
The Alpha Corporation of Tennessee	President	Gerald	Griffith	The Alpha Corporation of Tennessee	175 Commerce Rd.	2nd Floor	Collierville	TN	38017	
The Distribution Group, Inc.	CEO	Patrick S.	O'Keefe	The Distribution Group, Inc. c/o Industrial Distribution Group, Inc.	950 E. Paces Ferry Road NE	Suite 1575	Atlanta	GA	30326	
The Fairchild Corporation	President	Eric I.	Steiner	The Fairchild Corporation	45025 Aviation Drive	Suite 400	Dulles	VA	20166-7514	
The Glidden Company	President	Larry B.	Porcellato	The Glidden Company	925 Euclid Ave.		Cleveland	OH	44115	
The Hartley Company	President	Eddie	Kuder	The Hartley Company	1987 Placentia Avenue		Costa Mesa	CA	92627-3420	
The Okonite Company	President	Victor A.	Viggiano	The Okonite Company	102 Hilltop Road		Ramsey	NJ	7446	
The Signs and Services Company	President	Jacob	Deruyter	The Signs and Services Company	10980 Boatman Avenue		Stanton	CA	90680-2602	
Thomas & Betts Corporation	President	T. Kevin	Dunnigan	Thomas & Betts Corporation	8155 T & B Boulevard		Memphis	TN	38125-8888	
Thomas CNC Machining	Owner	Thomas	Rose	Thomas CNC Machining	23650 Via Del Rio		Yorba Linda	CA	92887	
Thums Long Beach Company	President	Frank E.	Komin	Thums Long Beach Company	111 West Ocean Blvd., Suite 800		Long Beach	CA	90802-4640	
Toccoa Metal Technologies, Inc.	CEO	Michael	Bilthuis	Toccoa Metal Technologies, Inc.	Dempster Division	Highway 123 North	Toccoa	GA	30577-1424	

# List of Recipients

Liabile Company Name	Title	First Name	Last Name	Firm Name	Address	Sub Address	City	State	Zip	County
Tracor Flight Systems Inc	President	George	Melton	BAE Systems Flight Systems, Inc.	6500 Tracor Lane		Austin	TX	78725	
Tregen Corp. Inc.	President	Thomas	Evins	Tregen Corp. Inc.	17772 E. 17th ST, Suite 207		Tustin	CA	92780-1945	
Truck Accessories Group, Inc.	President	John B.	Poindexter	Truck Accessories Group, Inc.	58288 Ventura Drive		Elkhart	IN	46517-9431	
Tyco Electronics Corporation	President	Juergen	Gromer	Tyco Electronics Corporation	2901 Fulling Mill Road		Middletown	PA	17057	
Tyco International (US) Inc.	President & CEO	Edward D	Breen	Tyco International (US) Inc.	One Tyco Park		Exeter	NH	3833	
U.S. Foodservice, Inc.	Interim Chief Executive Officer	Robert G.	Tobin	U.S. Foodservice, Inc.	9755 Patuxent Woods Drive		Columbia	MD	21046	
Unidynamics/ Phoenix, Inc	President	Robert S.	Evans	Unidynamics/Phoenix, Inc.	c/o Crane Co.	100 First Stamford Place, Suite 300	Stamford	CT	06902-6784	
Unistrut Corporation	President	Robert P.	Mead	Unistrut Corporation	Three Tyco Park		Exeter	NH	3833	
US Airways, Inc.	President and CEO	David N.	Siegel	US Airways, Inc.	2345 Crystal Drive		Arlington	VA	22202	
U.S. Department of Agriculture, Forest Service	Chief	Dale	Bosworth	USDA Forest Service	201 14th Street SW		Washington	DC	20003-2332	
U.S. Department of Veterans Affairs	Secretary	Anthony J.	Principi	U.S. Department of Veterans Affairs	810 Vermont Ave. NW		Washington	DC	20420	
Utility Body Company	Registered Agent	William H.	Thomas	Utility Body Company	1727 16th Street		Oakland	CA	94607	
Valley Motor Center, Inc.	President	Gary	Rodrigues	Valley Motor Center, Inc.	14954 Oxnard Street		Van Nuys	CA	91411-2610	
Valley Plating Works Inc	President	Frank	Cullen	Valley Plating Works, Inc.	2701 North San Fernando Road		Los Angeles	CA	90065	
Valspar Industries, Inc.	President	S.	Erdahl	Valspar Industries, Inc.	for Thomson Paint Company, Inc.	1101 South Third Street	Minneapolis	MN	55415	
Ventura Regional Sanitation District	Chairman	Dennis	Gillette	Ventura Regional Sanitation District	1001 Partridge Drive	Suite 150	Ventura	CA	93003	
Ventura Townehouse, Inc.	President	Frances M.	Foy	Ventura Townehouse, Inc.	4900 Telegraph Road		Ventura	CA	93003	
Veritas Software Technology Corporation	President	Stephen J.	Luczo	Veritas Software Technology Corporation	920 Disc Drive		Scotts Valley	CA	95066	



## List of Recipients

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Table Company Name	Title	First Name	Last Name	Firm Name	Address	Sup Address	City	State	Zip	Country
Verizon Communications Inc.	CEO	Ivan G.	Seidenberg	Verizon Communications Inc.	1095 Avenue of the Americas		New York	NY	10036	
Vista Ford	President	Steve	Shuken	Vista Ford	21501 Ventura Boulevard		Woodland Hills	CA	91364-1998	
Vitarel Microelectronics, Inc.	President	Per	Tonnesen	Vitarel Microelectronics, Inc.	7580 Britannia Ct.		San Diego	CA	92154	
Waltco Engineering Co	President/CEO	Stephen E.	Nash	Waltco Engineering Company	401 West Redondo Beach Blvd.		Gardena	CA	90248-2103	
Wells Fargo Bank	President	Stephen M.	Ellis	Wells Fargo Bank	633 Folsom Street		San Francisco	CA	94107	
Western Circuits Inc	President	Mario	Mendoza	Western Circuits, Inc.	2534 Beverly Blvd.		Los Angeles	CA	90057	
Western Mouldings Inc.	President	William A.	Blue	Western Mouldings Inc.	73429 Foxtail Lane		Palm Desert	CA	92260	
Western Tube & Conduit Corporation	President	Yuzo	Oishi	Western Tube and Conduit Corporation	2001 East Dominguez Street		Long Beach	CA	90810-1005	
Westmont College	President	Stan D.	Gaede	Westmont College	955 La Paz Road		Santa Barbara	CA	93108	
Wilder's Painting	Owner	Devin R.	Wilder	Wilder's Painting	2446 Rice Avenue		West Sacramento	CA	95691-2319	
Williams Furnace Co.	President	James G.	Giowitz	Williams Furnace Co.	250 West Laurel Street		Colton	CA	92324	
Wm. J. Matson Company	President	William J.	Matson	Wm. J. Matson Company	1010 Cindy Lane		Carpinteria	CA	93013-2930	
Xerox Corp.	CEO	Anne M.	Mulcahy	Xerox Corporation	800 Long Ridge Road		Stamford	CT	6904	
York International Corporation	President/CEO	Michael R.	Young	York International Corporation	631 South Richland Avenue		York	PA	17403	

# List of Recipients

1

Table Company Name	Title	First Name	Last Name	Firm Name	Address	City	State	Zip	Phone
Valley Motor Center	President	Gary	Rodrigues	Valley Motor Center	10639 Glen Oaks Boulevard	Pacoima	CA	91331	
Certance LLC	President	Howard	Matthews	Certance LLC	1650 Sunflower Avenue	Costa Mesa	CA	92626	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

January 16, 2004

Howard Matthews, President  
Certance LLC for Cipher Data Products  
1650 Sunflower Avenue  
Costa Mesa, CA 92626

RE: Omega Superfund Site  
De Minimis Parties Meeting

Dear Howard Matthews:

On February 12, 2004, EPA will conduct an informational meeting for all Omega Superfund Site de minimis parties. The meeting will occur at 1:00 p.m. at the following address:

Omega Meeting  
1:00p.m.-5:00p.m. California Ballroom

Sheraton Gateway Hotel, Los Angeles Airport  
6101 West Century Blvd.  
Los Angeles, CA 90045  
(310) 642-1111

EPA will make a presentation, which will be followed by an opportunity for parties to ask questions. In addition to the informational meeting, EPA representatives will be available on the following day, February 13, 2004, from the hours of 9:00 a.m. to 12:00 noon, to answer individual questions you may have concerning the Omega Superfund Site. The location of this break out session will be in Salon Room Number 214 at the Sheraton Gateway Hotel. EPA encourages all de minimis parties to attend.

If you have further question concerning this meeting, please contact Chris Lichens at 415-972-3149, Linda Ketellapper 415-972-3104, or myself at 415-972-3908.

Sincerely,

A handwritten signature in cursive script that reads "Thanne Cox".

Thanne Cox  
Assistant Regional Counsel

cc: Elizabeth Adams, EPA  
Linda Ketellapper, EPA  
Chris Lichens, EPA  
Lewis Maldonado, EPA  
Karl Fingerhood, DOJ

Gene Lucero, OPOG  
Keith Milhouse, OPOG  
Judith Praitis, OPOG  
Allen Topol, OPOG  
Peter McGaw



# **Omega Superfund Site Whittier, California**




**U.S. Environmental Protection Agency  
Region 9**

**February 12, 2004**






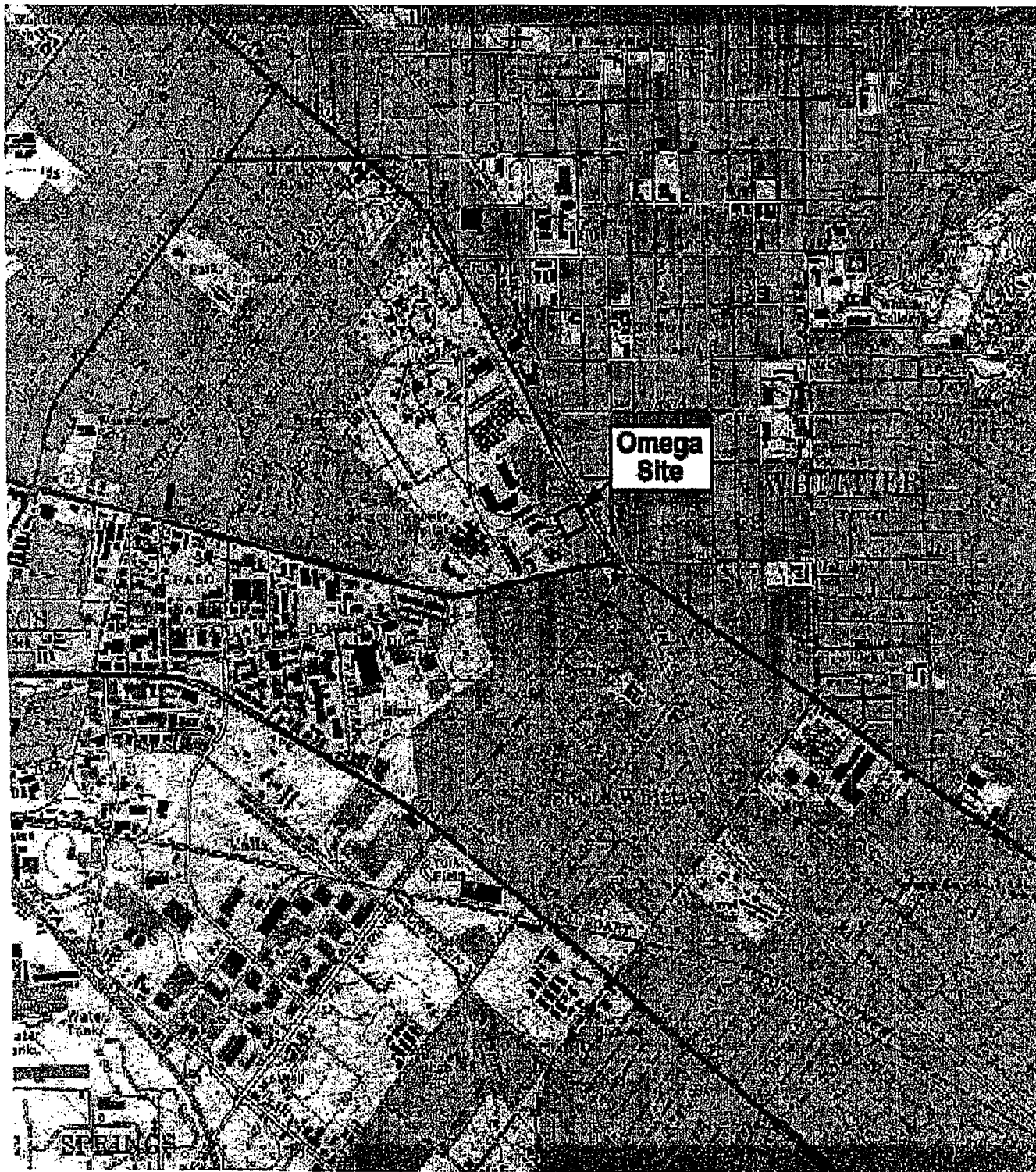
# Agenda

- Site background / history
  - PRP identification
  - Legal issues
  - Settlement offer and next steps
  - Questions / answers
- 



# **Site Location & Description**

- 12504 /12512 E. Whittier Blvd.,  
Whittier, CA
  - Approximately 40,000 sq. Ft. in area
  - Two buildings and paved service yard
- 




**Site Location**



# **Site History and Use**

1976 to 1991 - Omega Chemical Corporation and Omega Refrigerant Reclamation Co.

- Operated as a used solvent and refrigerant recycling and reformulation/treatment facility
  - Primarily handled chlorinated solvents such as degreasing and dry cleaning chemicals & refrigerants
- 





# Site Contaminants

- Primarily volatile organic compounds (VOCs) including tetrachloroethene (PCE), trichloroethene (TCE), freon 11, freon 113, 1-4 dioxane
  - Semivolatile organic compounds (SVOCs) including aromatic hydrocarbons such as benzene, toluene, and acetone
  - Metals including hexavalent chromium
  - Inorganic compounds including perchlorate
-



# Previous Site Investigations

- 1984-1988 – series of violations issued to Omega from L.A. County Dept. of Health Services
    - Soil, soil-gas, and groundwater sampling conducted in several phases
  - 1995 - EPA issued Unilateral Administrative Order (UAO) to major parties
    - Required removal of more than 2,700 drums of chemical materials stored on-site & removal of grossly contaminated soil
    - These parties formed a work group called the Omega Organized PRP Group (OPOG)
-




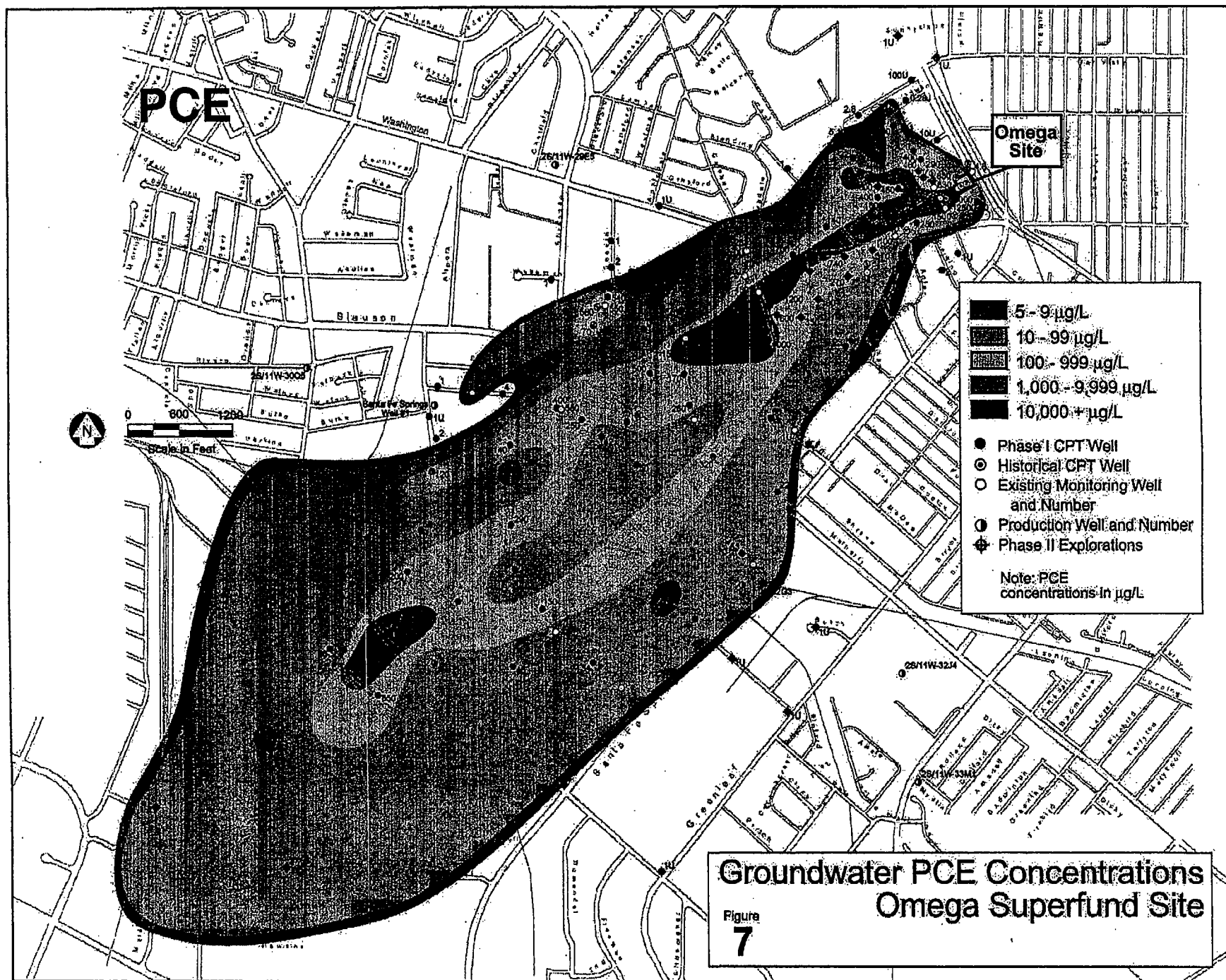
# **Partial Consent Decree**

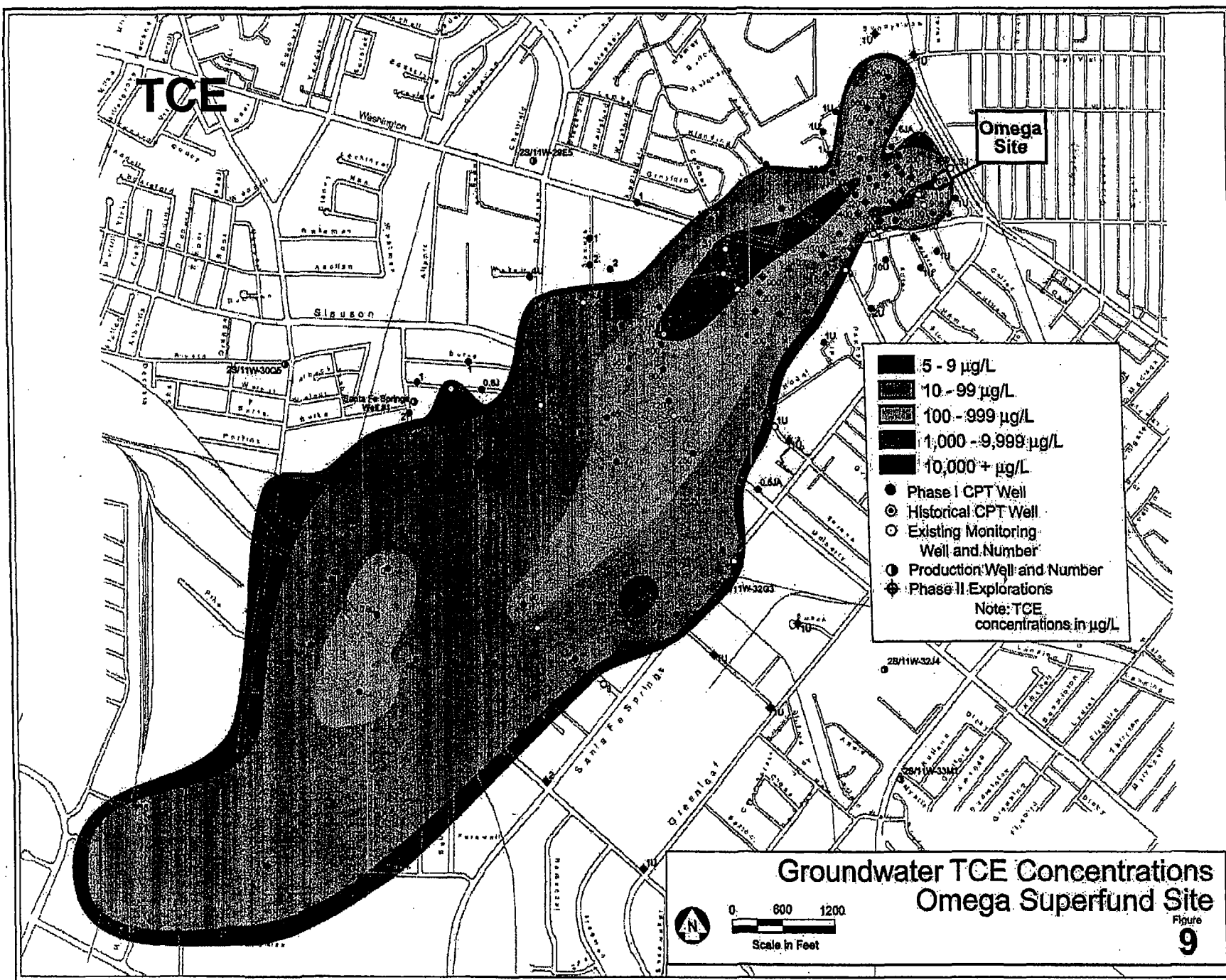
- February 2001 - EPA signs Partial Consent Decree with OPOG
  - Partial Consent Decree requires:
    - On-site soils Remedial Investigation/Feasibility Study (RI/FS)
    - Installation & sampling of groundwater monitoring wells and continue groundwater investigation near Omega facility
    - Design and implement groundwater containment and contaminant mass removal system (pump & treat)
-



# **EPA Phase I & II Investigations**

- Groundwater sampling from 114 borings completed in November 2001 and August 2002, focused on areas downgradient of site
  - Installed 18 groundwater monitoring wells in February 2002 and sampled them
- 





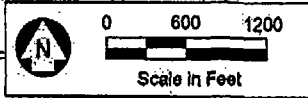
# Freon 11

Omega Site

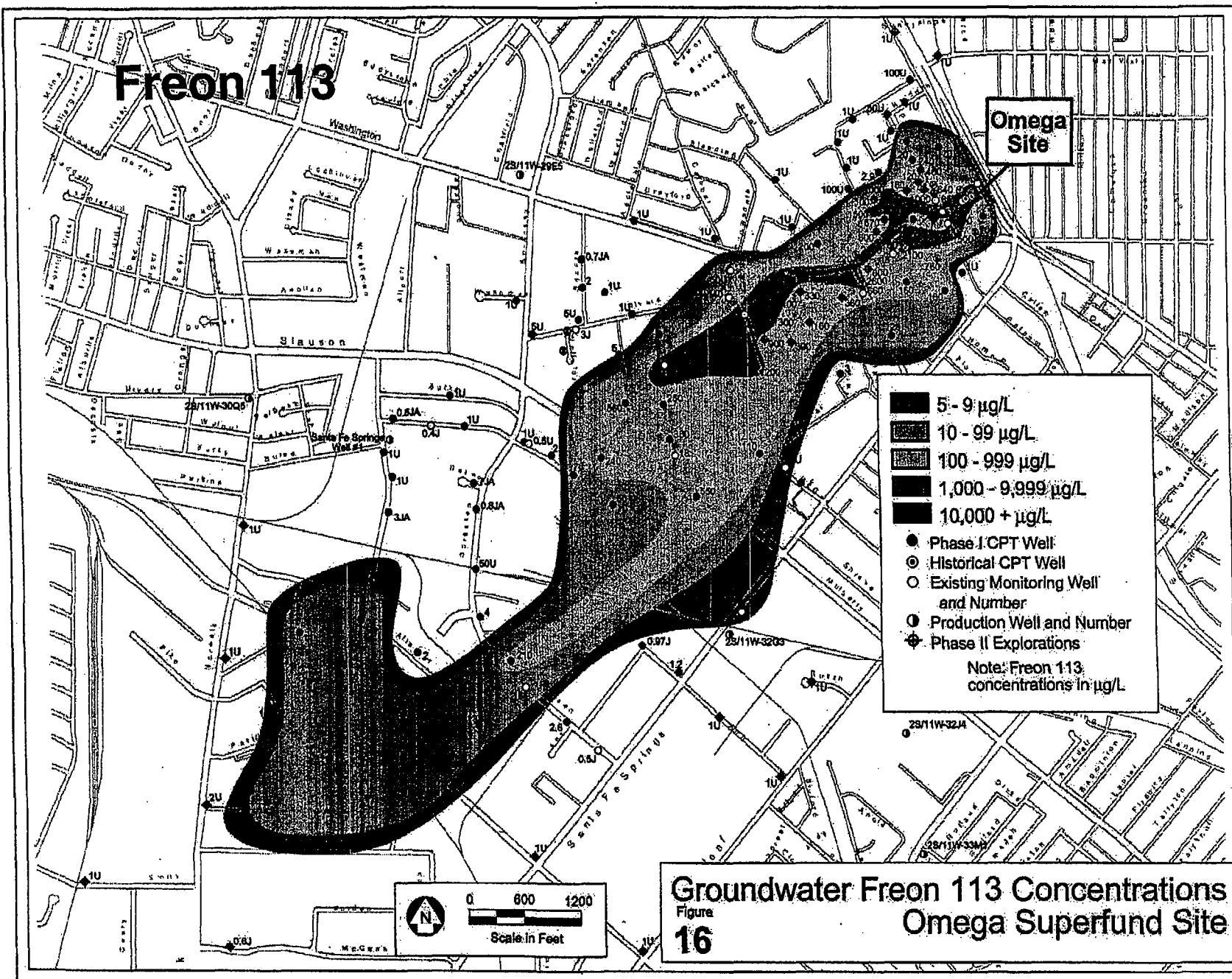
	5 - 9 µg/L
	10 - 99 µg/L
	100 - 999 µg/L
	1,000 - 9,999 µg/L
	10,000 + µg/L

- Phase I CPT Well
- Historical CPT Well
- Existing Monitoring Well and Number
- Production Well and Number
- ⊕ Phase II Explorations

Note: Freon 11 concentrations in µg/L



Groundwater Freon 11 Concentrations  
Figure 14  
Omega Superfund Site







# **Required Steps in Omega Site Investigation**

- Remedial Investigation:
    - Characterization of the groundwater (sampling)
    - PRP search for additional potential sources
    - Groundwater modeling
    - Human health risk assessment
  - Interim pump & treat system
  - Feasibility Study (FS)
  - Record of Decision (ROD)
  - Remedial Design/Remedial Action (RD/RA)
-



# Elements of Assumed Remedy

- Groundwater extraction and treatment for estimated volume of 4.9 billion gallons of contaminated groundwater. Assumed operation and maintenance period of thirty years.
  - Soil vapor extraction (SVE) at source area. Assumed operation and maintenance period of 3 years.
  - Groundwater extraction and treatment and SVE are EPA presumptive remedies for VOC contamination.
  - Costs estimated using unit costs and averaging costs of other sites with similar technologies and contaminants.
-



# Estimated Site Costs

## Costs Associated with Work to Date:

### – PRP costs

- Removal costs
- Soils RI/FS costs
- Groundwater monitoring costs

### – EPA costs

- EPA oversight
- Indirect
- Investigations
- Misc costs

Estimated Past Cost = \$12,300,000

---



# Estimated Site Costs

## Future costs

- RI/FS
- ROD costs
- Remedial Design / Remedial Action / O&M
- EPA and State oversight, indirect, investigations and misc costs

Estimated Future Cost = \$89,200,000





# Estimated RD/RA Costs

Groundwater Treatment Capital Costs = \$24,800,000

Soil Treatment Capital Costs = \$2,200,000

Groundwater Treatment Operation and  
Maintenance Costs (30 year period) = \$51,000,000

Soil Treatment Operation and  
Maintenance Costs (3 year period) = \$1,500,000

Land Acquisition = \$500,000

---

Total = \$80,000,000






# **Potentially Responsible Parties (PRP) Identification Process**





# **Liable Parties Under Superfund**

CERCLA § 107(a), 42 U.S.C. § 9607(a)

1. Current owners/operators
  2. Owners/operators at the time of disposal
  3. Generators or arrangers for the disposal of hazardous substances
  4. Transporters
- 



# **Liable Parties at the Omega Superfund Site**

Currently identified:

1. Owner/operator at time of disposal -- Dennis O'Meara,  
Omega Chemical
  2. Major generators that sent at least 10 tons of waste  
to Omega Chemical
  3. De Minimis generators that sent at least 3 tons of  
waste to Omega Chemical
-





# **Summary of Enforcement Timeline To Date:**

- 1995
- \* Dennis O'Meara received a general notice from EPA for removal activity
  - \* Dennis O'Meara refused to cooperate claiming inability to pay
  - \* EPA issued an order (Unilateral Administrative Order 95-15) to approximately 170 generator PRP's for the removal activity
  - \* Ultimately, ~ 150 viable parties performed the cleanup
-



# Enforcement Timeline (Cont.)


1998 \* By 1998 a steering committee of parties had formed (the Omega PRP Organized Group, "OPOG")

1998 \* EPA began work to identify additional generator parties.





# Enforcement Timeline (Cont.)

- |                   |  |
|-------------------|--|
| April 1, 1999     | * Special notice letters were issued to members of OPOG, and negotiations commenced  |
| February 28, 2001 | * Partial Consent Decree entered by the district court (docket # 00-12741-TJH)   |
| August 8, 2002    | * Over 100 general notice letters were issued to additional major parties  |
| October 28, 2003  | * Approximately 315 de minimis notice letters issued to PRPs allocated 3-9.99 tons   |
| January 5, 2004   | * EPA issued an Order (Unilateral Administrative Order 2004-04) to approximately 20 major PRPs to perform work at the site |
- 



# **"State's Manifest Database"**

- Copies of Hazardous Waste Manifests are archived with the State of California's Department of Toxic Substances Control Office
  - State Database = "Hazardous Waste Information Network" (Haznet)
  - Information from the manifests is entered into a database maintained by the State (~1 million/year)
-



## **Database (cont.)**

- EPA requested a copy of database in 1995
  - Requested subset of manifest data where the Omega facility ID "CAD042245001" was listed as the Treatment Storage and Disposal (TSD) Facility ID
-



# Example Manifest Summary

---

generator\_name

lc\_name:

lc\_calc\_volume: 4.77 tons

---

manifest\_number

manifest\_quantity\_ton

---

87804525

1.18845 tons

88681570

0.3753 tons

---

88684780

2.8686 tons

88684816

0.33765 tons

---

# Sample Manifest

C	Generator's Name and Address
---	---------------------------------

**Transporter's Name**

F	Facility's Name and Address
---	--------------------------------

**Waste Description.**

Generator's EPA  
ID Number

Manifest Number	B
1	
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100	

Facility's EPA  
ID Number

Waste  
- Weight/Volume

D&amp;E

Date the Shipment  
arrived at the  
Facility

[illegible]



# **Potential Database Inconsistencies**

- Total volumes didn't correspond to "container types" and "units"
  - Facility ID numbers didn't correspond to a generator name or the wrong generator name
  - Manifests inaccurately reflected "0" volume
-



# Omega Site - Allocation

"Snapshot" as of February 5, 2004

	Volume Range	#PRPs	Tons	Tons (%)
Major	> = 10 tons	225	13,361	72%
De Minimis	> = 3 and < 10 tons	316	1,735	10%
Subtotal		541	15,096	82%
Other *		2,282	3,330	18%
Total Site		2,823	18,426	100%

\* All unknown parties, parties less than 3 tons and defunct and insolvent parties

*DRAFT: the numbers in this table are subject to change pending final PRP grouping and AVR research results.*



# **Legal Issues**





# **CERCLA Liability Scheme**

Comprehensive Environmental Response  
Compensation and Liability Act  
("CERCLA")

42 U.S.C. Section 9601, et seq.






# **Liability Scheme**

- Joint and Several
  - Retroactive
  - Strict
-



# **Liable Parties**

**CERCLA § 107(a), 42 U.S.C. Section  
9607(a)**

- 1. Owners / Operators**
  - 2. Owners / Operators during the Time of  
Disposal**
  - 3. Generators or Arrangers for the Disposal of  
Hazardous Substances**
  - 4. Transporters**
- 



# Categories of "Generators"

- Major Contributors
  - De minimis
  - De micromis
-



# **OPOG Partial Consent Decree**

- Statute of Limitations
    - OPOG ability to sue other parties for reimbursement of cost expires before March, 2004.
  - Lawsuit
    - To preserve their claims, OPOG plans to sue all other parties, including de minimis parties, before the Statute of Limitations timeframe expires.
  - Tolling Agreement
    - EPA asked OPOG to accept Tolling Agreements from de minimis parties, extending Statute of Limitation timeframe, so that de minimis parties may settle all liabilities outside of litigation.
-



# De Minimis Settlements

- “Final Settlement” - - Release of liability  
“Cash Out” Payment
  - Parties who sent:
    - 1. Minimal amount of Hazardous Substances to the site.  
and
    - 2. Hazardous Substances not more toxic than other hazardous substances at site.
  - CERCLA Section 122(g)
-





# Scope of Settlement

- De Minimis Party gets:
    - Covenant not to sue - - EPA promises not to sue you for work or money at the Omega Site
    - Contribution Protection - - If any other party sues you for work or money at Omega Site, EPA will defend you in court
-



# **Form of De Minimis Settlement Administrative Order on Consent ("AOC")**

- An agreement between your company & EPA
  - In settlement package
  - Language is not negotiable
  - Thirty day Notice and Comment Period
  - EPA notices you at close of Notice and Comment Period that agreement is final
  - Payment due thirty day after EPA notices you
-



# **De Minimis Party Obligations**

- Return executed signature page of the settlement to EPA by May 7, 2004
  - Pay EPA your allocated settlement amount within thirty days after the settlement is final
-




# **Ability to Pay Settlement**

- Person who demonstrate an “inability or limited ability”
  - An amount able to pay while maintaining “basic business operation”
  - To apply, return the Ability to Pay Application to EPA by May 7, 2004
  - CERCLA §122(g)(7)
-



# Calculations


Future Costs	\$89,200,000
Premium of 100%	X 2
	<hr/>
	\$178,400,000
Past Costs	+ \$12,300,000
	<hr/>
Total Site Costs	\$190,700,000





# Your Allocated Share

$$\frac{\text{Total Site Costs (\$190,700,000)}}{\text{Total Tons of Waste at Site (15,096)}} = \text{Cost per ton} = \$12,632/\text{Ton}$$


$$\text{Multiply your allocated ton by \$12,632} = \text{Your Settlement Amount}$$




## Settle with EPA

- One payment for release of all liability for past and future costs at Omega
- EPA Promises to protect you if other PRPs at Omega sue you
- EPA promises not to sue you in the future

## Settle with OPOG

- Settles your liability for OPOG's past costs, does not settle your liability for future costs
  - OPOG will not protect you in court from EPA or other PRPs
  - No promise to not sue you in the future
- 



# Next Steps

- Signature Page to EPA . . . . . May 7, 2004
- Challenges (liability or volume) . . . . . May 7, 2004

Only challenges submitted with signature pages will be reviewed. Challenges submitted prior to this date must be resubmitted.

- Ability to Pay Application . . . . . May 7, 2004
  - Expedited Settlement - - 5%
    - Automatic discount if Signature page with no challenge is submitted by May 7, 2004
    - If signature page and challenge is submitted by May 7, 2004, you will receive the discount if EPA approves your challenge
-



# **EPA Contact Information**

Omega Toll-Free Telephone Number - 1-888-635-1524

Omega E-Mail - [omega@epa.gov](mailto:omega@epa.gov)

Internet Webpage -

<http://yosemite.epa.gov/r9/sfund/overview.nsf>

## **Information Repositories**

### **Whittier Public Library**

7344 S. Washington Avenue  
Whittier, CA 90602  
(562) 464-3450

### **EPA Superfund Records Center**

95 Hawthorne Street (4th Floor)  
San Francisco, CA 94105  
(415) 536-2000

**U.S. Environmental Protection Agency, Region 9**





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

April 9, 2004

Via Federal Express

Howard Matthews, President  
Certance LLC for Cipher Data Products  
1650 Sunflower Avenue  
Costa Mesa, CA 92626

Re: Omega Chemical Superfund Site Settlement Offer; Response Due May 7, 2004

Dear Howard Matthews:

Previously, the United States Environmental Protection Agency ("U.S. EPA") sent the person or entity identified above, or a predecessor (collectively referred to in this letter as "your company or organization") a De Minimis Notice Letter discussing the potential liability of your company or organization for the ongoing remediation of the Omega Chemical Superfund Site (the "Omega Site"). Those parties who may be responsible for the waste at Superfund sites are referred to as "potentially responsible parties" or "PRPs." PRPs include individuals, businesses, governmental agencies, and other types of organizations. You may be a PRP if you are:

- 1) a current owner or operator of the Omega Site;
- 2) the former owner or operator of the Omega Site during the period of waste disposal;
- 3) a party that arranged for the treatment, disposal, or transportation of hazardous substances to the Omega Site (a "generator"); or
- 4) a party that selected the Omega Site as a place to dispose of hazardous substances and who transported these substances to the Omega Site (referred to as "transporters").

The parties receiving this letter are all believed to be "generators" of wastes disposed at the Omega Site, and therefore "potentially responsible parties" at the Omega Site.

This letter is intended to offer your company or organization the opportunity to resolve its liability for waste that was disposed of at the Omega Site. The U.S. EPA is making this offer to your company or organization on very favorable terms, due to the comparatively small quantity of waste (referred to as a "de minimis" quantity) it is responsible for having contributed to the Omega Site.

We believe it is in your company or organization's best interest to enter into this settlement. If your company or organization agrees, it will gain numerous benefits, including contribution protection against lawsuits by other potentially responsible parties as well as releases from the United States regarding the Omega Site. If your company or organization wishes to participate in this settlement, it must ensure that the U.S. EPA receives its completed signature page no later than **Friday, May 7, 2004**.

The settlement with your company or organization will take the form of an **Administrative Order on Consent**, a copy of which is enclosed. Your company or organization's cost to settle with the U.S. EPA will depend upon the volume of waste it sent to the Omega Site for treatment or disposal. The enclosed **Settlement Cost Summary** provides the volume assessment for your company or organization. The volume assessment and the settlement offer are discussed briefly below.

- The Volume Assessment. The enclosed **Manifest Summary** lists each waste manifest for your company or organization and the volume for each manifest. Copies of the manifests are also enclosed. For an explanation of the Manifest Summary and a guide to understanding the manifest information, please review the enclosed memorandum entitled "**Manifest and Volume Database Information**."
- The Settlement Offer. The U.S. EPA is providing your company or organization with a settlement offer. If your company or organization submits the enclosed signature page in time to be received by the U.S. EPA no later than 5:00 p.m. on Friday, May 7, 2004 and does not apply for a financial and/or volume review, the settlement amount will be automatically reduced by five percent (5%). For a detailed explanation of the settlement offer including the 5% discount, please review the enclosed memorandum entitled "**Omega Site De Minimis Settlement Information**."

*Companies or organizations that agree to settle in principle, but either (i) face financial hardship and/or (ii) believe their assessed volume is in error and wish to request a volume review, can submit the appropriate application(s) along with their signature pages. Further information about both the financial review process and the volume review process is provided in the **Omega Site De Minimis Settlement Information** memorandum, and in the respective instructions and application forms.*

The U.S. EPA is providing several ways for you to obtain answers to any remaining questions you may have after reviewing the enclosed information. We hope you will take advantage of these resources, which include a web site, a telephone information line, an e-mail address, and an informational meeting. A brief description of each of these sources of information is provided below.

- Omega Site Web Page. If your company or organization has access to the world-wide web, it can visit the following web page for information:

**<http://yosemite.epa.gov/r9/sfund/overview.nsf>**

- Telephone Information Line. If you wish to contact us by telephone, please use the following toll-free special information line:

**1-888-635-1524**

- E-Mail Address. E-mail provides one of the best ways to communicate with us quickly and efficiently. The e-mail address reserved for inquiries about this settlement is:

**omega@epa.gov**

- Informational Meeting. De minimis parties who wish to have their questions answered in person can attend an informational meeting on **February 12, 2004** at the Sheraton Gateway Hotel, Los Angeles Airport.

For details about the meeting, and to learn about other information sources (including the Omega Site document repositories), please see the **Omega Site De Minimis Settlement Information** memorandum.

We encourage your company or organization to accept this offer, given the very advantageous terms of this proposed de minimis settlement and the risks inherent in failure to settle with the United States. If the U.S. EPA offers your company or organization any future settlement opportunity, its terms may be significantly less favorable to your company or organization. Potentially responsible parties who have refused prior settlement offers are referred to as "recalcitrant" parties, and often must pay additional premiums, interest or penalties in order to join later settlements. Recalcitrant parties may also be subject to enforcement actions by the federal or state government, as well as to lawsuits by other potentially responsible parties seeking contribution.

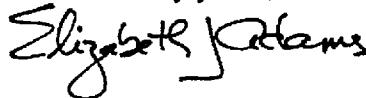
As stated in the De Minimis Notice Letter you received from the U.S. EPA, there is an established group of parties, the Omega PRP Organized Group or "OPOG," who are currently performing work at the Omega Site under an agreement with the U.S. EPA. These parties have a potential claim against your company or organization seeking contribution of costs incurred performing work at the Omega Site. Because OPOG's ability to file a contribution claim against you for incurred costs will terminate by the end of February, OPOG intends to file a lawsuit against your company or organization within this time frame in order to preserve their rights. In lieu of initiating civil litigation, OPOG has agreed to extend Tolling Agreements — an agreement between parties to extend the period of time (statute of limitations) in which OPOG must file a claim in civil court — to all de minimis parties to allow U.S. EPA time to reach a settlement with your company or organization. By signing the Tolling Agreement you will not be losing any rights or defenses. If you have not signed and returned the Tolling Agreement sent to you by OPOG, OPOG may file a lawsuit against you in the near future. The Agency encourages you to sign the Tolling Agreement and to consider all the benefits you will receive as a participant in the enclosed de minimis Administrative Order on Consent.

If your company or organization agrees to join the Omega Site de minimis settlement, it must submit the enclosed signature page, bearing the original signature of an authorized representative of your company or organization, in time to be received by the U.S. EPA no later than 5:00 p.m. on **Friday, May 7, 2004**. No duplicates or copies sent by facsimile will be accepted. Please send your company or organization's signature page to:

Thanne Cox  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region IX  
75 Hawthorne Street, ORC-3  
San Francisco, California 94105-3901

We look forward to receiving your company or organization's response. If you have any questions, please contact the toll-free Omega information line at 1-888-635-1524. Thank you in advance for your participation.

Sincerely yours,



Elizabeth Adams, Chief  
Superfund Site Cleanup Branch

cc: Karl Fingerhood, U.S. Department of Justice  
Keith Milhouse, OPOG

**Enclosures:**

- Settlement Cost Summary
- Signature Page for the proposed Administrative Order on Consent
- Manifest and Volume Database Information
- Manifest Summary
- Manifest Copies
- Proposed Administrative Order on Consent
- Omega Site De Minimis Settlement Information
- Optional Applications (includes the following forms)
  - Instructions & Application for Parties with Limited Financial Abilities
  - Instructions & Application for Parties Seeking Volume Review
  - Application for Parties Who Disposed of More Toxic Contaminants
- List of Parties Receiving this Offer

**Settlement Cost Summary  
Certance LLC  
for CIPHER DATA PRODUCTS**

The payment required to join this settlement will depend upon the settlement option chosen. Please see the offer letter and the enclosed memoranda and proposed Administrative Order on Consent for explanations of the settlement options and payment instructions. **Do not enclose a check with your signature page; please wait until you receive a letter with payment instructions.**

**SETTLEMENT OPTIONS**

Veritas Software Technology Corporation settlement payment is:

5.3333 tons x \$12,632 per ton =

**\$67,370**

If Veritas Software Technology Corporation joins the expedited settlement, it will receive a **five percent (5%) discount**, reducing its settlement cost to:

**\$64,001**

**Certance LLC for CIPHER DATA PRODUCTS**

\_\_\_\_\_, by the  
[Respondent]  
duly authorized representative named, titled and signed below, hereby consents to this  
Administrative Order on Consent and agrees to be bound by the terms and conditions thereof.

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATED: \_\_\_\_\_

Mailing name and address for this Respondent, or for his, her or its agent for service of process:

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

**OPTIONAL ENCLOSURES- Please check the appropriate box if you are filing either of the following optional applications:**

- ☐ Application for financial review to qualify for reduced payment (see note on following page)
- ☐ Application for volume review (see note on following page)

**If you submit this signature page on time, and do not file either optional application above, your settlement payment will automatically be reduced by 5%. However, if you submit this signature page on time with a completed application for volume review, and EPA approves your application, your settlement payment will also be reduced by 5%.**

**NOTE REGARDING APPLICATION FOR FINANCIAL REVIEW TO QUALIFY FOR REDUCED PAYMENT:** If the Respondent chooses this option, Respondent must submit the signature page together with the required financial statements, supporting documents, and signed certification, as described in the Omega Site De Minimis Settlement Offer Letter and its enclosures. If the Respondent provides these materials, the Respondent will have 14 days in which to withdraw the signature page after the U.S. EPA notifies Respondent of the result of the U.S. EPA's financial review.

**NOTE REGARDING APPLICATION FOR VOLUME REVIEW:** If the Respondent chooses this option, Respondent must submit the signature page together with the required review form, copies of relevant manifests, other supporting documents, and the Respondent's signed certification, as described in the Omega Site De Minimis Settlement Offer Letter and its enclosures. If the Respondent provides these materials, the Respondent will have 14 days in which to withdraw the signature page after the U.S. EPA notifies Respondent of the result of the U.S. EPA's volume review.



## **Manifest and Volume Database Information**

This memorandum provides information about the hazardous waste manifests that were used to track wastes received by the Omega Chemical Site, how the U.S. EPA used the manifest information, and how to read the manifests and the U.S. EPA's summary of information from the manifests (the "Manifest Summary") for your company or organization. Your company or organization's Manifest Summary is enclosed, together with copies of the waste manifests attributed to your company or organization.

### **THE MANIFESTS**

The enclosed manifests are records of wastes generated by your company or organization. The U.S. EPA obtained the manifests for wastes disposed of at the Omega Chemical Site from the State of California Department of Toxic Substances Control (DTSC). A sample of a commonly used manifest is attached. Your company or organization's manifests may differ in appearance from the sample, as varying forms of manifests were used during the time that the Omega Chemical Site was in operation, but the manifests contain essentially the same information as the samples. It may be helpful for you to look at your company or organization's manifests as you read this memorandum.

### **THE U.S. EPA DATABASE**

DTSC entered relevant information from these manifests into a computer database. Following data entry into the database, the manifests were microfilmed for permanent storage and are maintained by DTSC. DTSC provided the U.S. EPA with an extract of DTSC's computer database which the U.S. EPA used in calculating the total volume of manifested waste disposed of at the Omega Chemical Site, as well as the volume of waste disposed of by each individual generator.

The U.S. EPA converted all waste weights/volumes to tons (conversion factors provided below). The U.S. EPA then generated a subtotal of all record volumes for each party identified with the Omega Site.

In addition, the U.S. EPA reviewed and modified DTSC's database entries to improve the accuracy of the U.S. EPA database. For example, the U.S. EPA pulled an example manifest for each EPA Generator ID number identified as having delivered waste to the Omega Site. The information in the database was compared against the actual manifest and this data was reviewed for completeness of Generator Address, EPA Generator ID number and quantities. When necessary, this information was revised to correspond to the information contained on the manifest itself. However, the U.S. EPA encourages you to carefully review each manifest allocated to your company or organization and confirm that the total tons allocated to each manifest is correct.

The table below describes the type of manifest information that was entered into the U.S. EPA database.

MANIFEST INFORMATION ENTERED IN U.S. EPA DATABASE	
Date	The shipment date of the manifest (taken from the facility section). See the information marked "A" on the sample manifests.
Manifest number	The original number of the manifest. See the information marked "B" on the sample manifests.
Generator Name	The entity that generated the waste. See the information marked "C" on the sample manifests.
Quantity	The weight or volume of the waste (must be read with the "Units" information to determine the actual quantity). See the information marked "D" on the sample manifests.
Units	The units of weight or volume used (e.g., pounds, tons, gallons, barrels) to measure the quantity. See the information marked "E" on the sample manifests.
Disposal site	The ultimate disposal site for the waste. See the information marked "F" on the sample manifests.

All calculated volumes in your company or organization's Summary Manifest are in tons. If the original units on the manifest were not in tons, the following conversion factors were applied by the U.S. EPA:

GAL = 8.34 lbs  
 BBL = 55 \* 8.34 lbs (= 458.70 lbs)  
 DRM = 55 \* 8.34 lbs (= 458.70 lbs)  
 TON = 2000 lbs  
 YDS = 202.018 \* 8.34 lbs (= 1,684.83 lbs)

To determine the amount of waste represented by the manifest, you must read both the quantity information and the unit information. The unit information tells you if the number was a measurement of gallons, barrels, pounds, tons, or other units of measurement. If units other than tons were used on the original manifest (e.g., barrels, drums, pounds, or yards), the U.S. EPA used the above conversion factors such that all weights/volumes were reported in tons.

## THE MANIFEST SUMMARY

The Manifest Summary for your company or organization is a report generated from the U.S. EPA database, compiling information extracted from the manifests. The primary information categories, from the database, that form the Manifest Summary are explained in the Manifest Summary Key table below.

MANIFEST SUMMARY KEY	
generator_name	The entity that generated the waste.
lc_name	The liable company (lc) name.
lc_calc_volume	The liable company's total calculated volume of waste (in tons).
manifest_number	The original number of the manifest.
manifest_quantity ton	The volume (in tons) per manifest.

The Manifest Summary identifies the total volume (in tons) the U.S. EPA has assessed to your company or organization. The Manifest Summary also lists each manifest from your company or organization with its corresponding waste volumes.

The "generator" name is the entity or original party that generated the waste. The "lc name" or liable company name is the entity currently responsible for the waste generated by the original party.

The "manifest quantity ton" is your company or organization's volume (in tons) that corresponds to each "manifest number". The "lc calc volume" is your company or organization's total calculated volume of waste (in tons), based on the sum of the "manifest quantity ton" column.

# Sample Manifest

<b>C</b>	<b>Generator's Name and Address</b>
----------	---

Generator's EPA  
ID Number

Manifest Number	B
-----------------	---

**Transporter's Name**

**F Facility's Name  
and Address**

### Waste Description

Facility's EPA  
- ID Number

Waste  
- Weight/Volume

**D&E**

Date the Shipment  
arrived at the Facility A

State of California - Environmental Protection Agency  
 Form Approved OMB No. 7050-0039 (Expires 7/30/91)  
 Please print or type. (Form designed for use on 8 1/2 x 11 inch (17 gram) paper.)

See instructions on back of page 6.

Department of Toxic Substances Control  
 Sacramento, California

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.		Manifest Document No.		2. Page		3. State		Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address		C A I D 9 8 3 5 1 7 1 3 9 7 1 2		Q 1 8 6 1 2 7		of 1					
SERVICE ENGINEERING CO. P. O. Box 7714, San Francisco, CA. 94120											
4. Generator's Phone ( ) 415 957-1777		Attn: Peter Yamashita									
5. US EPA ID Number											
6. State Transporter's ID											
7. Transporter's Name		H & H SHIP SERVICE COMPANY		C A I D 1 0 1 0 1 7 1 1 1 6 1 8							
8. US EPA ID Number											
9. State Transporter's ID											
10. US EPA ID Number											
11. US DOT Description (including Proper Shipping Name, Hazard Class, and ID Number)		OIL AND WATER NON-RCRA HAZARDOUS WASTE LIQUID		D 0 1 T		0 4 0 0 0		Q			
12. Special Handling Instructions and Additional Information											
13. Additional Descriptions for Materials (listed Above)		OIL AND WATER									
14. Handling Codes for Wastes Listed Above		a. 01									
15. Special Handling Instructions and Additional Information											
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this manifest are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.											
17. Transporter 1 Acknowledgment of Receipt of Materials		Signature: ESTEBAN M. PENALVER		Month: 0 8 Day: 14 Year: 9 5							
18. Transporter 2 Acknowledgment of Receipt of Materials		Signature: [Signature]		Month: 0 8 Day: 14 Year: 9 5							
19. Discrepancy Indication Space											
20. Facility Owner or Operator Certification of receipt of hazardous waste received by this manifest except as noted within 19.		Signature: [Signature]		Month: 0 8 Day: 14 Year: 9 5							

DISC 8022A (Rev. 94)  
 EPA 8700-37

THIS SENDS THIS COPY TO DISC WITHIN 30 DAYS  
 To: 400, Box 3000, Sacramento, CA 95812

## **Manifest Summary**

generator_name	CIPHER DATA PRODUCTS
lc_name:	Certance LLC
lc_calc_volume:	5.3333 tons
manifest_number	manifest_quantity_ton
84848750	0.68805 tons
87118735	0.3753 tons
87564483	0.3753 tons
87564484	0.82566 tons
87564494	0.9174 tons
87564495	0.43785 tons
87564497	0.6255 tons
87564499	0.4587 tons
88675920	0.22935 tons
88675925	0.09591 tons
90203369	0.30425 tons

## **Manifests**

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. C.A.D.O.6.4.4.7.6.302	Manifest Document No.	2. Page 1 of 1	Information in the shaded areas is not required by Federal law.
3. Generator's Name and Mailing Address Cipher Data Products, Inc. 10119 Carroll Canyon Rd. San Diego, Ca, 92138		6. US EPA ID Number CAD000032870		A. State Manifest Document Number 84848750	
4. Generator's Phone ( 619 ) 578-9108		8. US EPA ID Number		B. State Generator's ID CAD0064476302	
5. Transporter 1 Company Name American Trucking		10. US EPA ID Number		C. State Transporter's ID 8095 25	
7. Transporter 2 Company Name		12. Containers No. Type		D. Transporter's Phone 714-589-6001	
9. Designated Facility Name and Site Address Omega Chemical Company 12504 E. Whitter Blvd. Whitter, Ca. 90202		13. Total Quantity		E. State Transporter's ID	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		14. Unit Wt/Vol		F. Transporter's Phone	
a. Hazardous Waste Liquid n.o.s./ORM-E UN9189		5 165		G. State Facility's ID CAD042245001	
b. (FREON TMS)				H. Facility's Phone 213-698-0991	
c.					
d.					
J. Additional Descriptions for Materials Listed Above		K. Handling Codes for Wastes Listed Above		01	
15. Special Handling Instructions and Additional Information  Wear Appropriate rubber gloves and goggles					
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations.					
Printed/Typed Name Christine Atkinson		Signature <i>Christine Atkinson</i>		Date Month Day Year 7 9 87	
17. Transporter 1 Acknowledgement of Receipt of Materials		Signature <i>Jon Shox's</i>		Date Month Day Year 07 24 87	
18. Transporter 2 Acknowledgement of Receipt of Materials		Signature		Date Month Day Year	
19. Discrepancy Indication Space					
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.					
Printed/Typed Name Gilbert Solomon		Signature <i>Gilbert Solomon</i>		Date Month Day Year 1 7 88	

White: TSD/ SENDS THIS COPY TO DOHS WITHIN 30 DAYS



04/21/88

Shipper **18519** Department of Health Services  
Toxic Substances Control Division  
Sacramento, California

**UNIFORM HAZARDOUS  
WASTE MANIFEST**

1. Generator's US EPA ID No.

CA 10 64 4 7 63 0 2

Manifest  
Document No.

2. Page 1  
of 1

Information in the shaded areas  
is not required by Federal law

3. Generator's Name and Mailing Address  
**Cipher Data Co.**

**10225 Willow Creek Rd., San Diego, CA 92123**

4. Generator's Phone **(619) 578-9100**

5. Transporter 1 Company Name

**Omega Recovery Services**

6.

US EPA ID Number

CA 10 64 4 2 245 001

7. Transporter 2 Company Name

8.

US EPA ID Number

9. Designated Facility Name and Site Address

**Omega Recovery Services**

**12512 E. Whittier Blvd.**

**Whittier, CA 90602**

10.

US EPA ID Number

CA 10 64 4 2 245 001

A. State Manifest Document Number

**87118735**

B. State Generator's ID

C. State Transporter's ID

**CA 560**

D. Transporter's Phone **213/698-0991**

E. State Transporter's ID

F. Transporter's Phone

G. State Facility's ID

H. Facility's Phone

**213/698-0991**

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers  
No. Type

13. Total  
Quantity

14. Unit  
Wt/Vol

15. Waste No.

a. **Waste Flammable Liquid NOS NA 1270  
(Waste Oil) Flammable Liquid**

**001 DM**

**55**

**G**

State

EPA/Other

b. **Waste Flammable Liquid NOS NA 1270  
(Waste Oil) Flammable Liquid**

**90 2**

**35**

**G**

State

EPA/Other

c.

State

EPA/Other

d.

State

EPA/Other

J. Additional Descriptions for Materials Listed Above

K. Handling Codes for Wastes Listed Above

a. **01**

b. **01**

c.

d.

15. Special Handling Instructions and Additional Information

**B) Material is in 6-5 gallon pails.**

16. **GENERATOR'S CERTIFICATION:** I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.

If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name

**X EDWARD THEIS**

Signature

*Edward Theis*

Month Day Year

**10/4/27/88**

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

**X JAVIER HERNANDEZ**

Signature

*Javier Hernandez*

Month Day Year

**10/4/27/88**

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name

**FRANK FORD**

Signature

*Frank Ford*

Month Day Year

**10/4/27/88**

IN CASE OF AN EMERGENCY OR SPILL, CALL THE NATIONAL RESPONSE CENTER 1-800-424-8802; WITHIN CALIFORNIA CALL 1-800-852-7550

GENERATOR

TRANSPORTER

FACILITY

Please print or type. (Form designed for use on ellipse (12-pitch typewriter))

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		Generator's US EPA ID No. CA AD 01 61 44 71 63 10 12		Manifest Document No. 1 1 1 1	2. Page 1 of 1	Information in the shaded areas is not required by Federal law	
3. Generator's Name and Mailing Address Cipher Data Co 10225 Willow Creek Rd., San Diego, CA 92123					A. State Manifest Document Number 87564483		
4. Generator's Phone ( )					B. State Generator's ID		
5. Transporter 1 Company Name Omega Recovery Services		6. US EPA ID Number CA AD 01 42 24 50 01		C. State Transporter's ID CA 568 904878		D. Transporter's Phone 213/698-0991	
7. Transporter 2 Company Name		8. US EPA ID Number		E. State Transporter's ID		F. Transporter's Phone	
9. Designated Facility Name and Site Address Omega Recovery Services 12512 E. Whittier Blvd. Whittier, CA 90602					10. US EPA ID Number CA AD 01 42 24 50 01		G. State Facility's ID CA 1042245001
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)					12. Containers No. Type	13. Total Quantity	14. Unit Wt/Vol
a. Waste Freon & Trichloroethane NOS NA 1270 012					60	DM	G
b. Waste Freon					130	DM	G
c.							
d.							
J. Additional Descriptions for Materials Listed Above					K. Handling Codes for Wastes Listed Above a. 01 b. 01 c. d.		
15. Special Handling Instructions and Additional Information Material is in 12 Gallon Pails Material is in 55 Gallon Drum							
16. GENERATOR'S CERTIFICATION. I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment. OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.							
Printed/Typed Name RUSS PECORARO				Signature Russ Pecoraro		Month Day Year 11/10/88	
17. Transporter 1 Acknowledgement of Receipt of Materials				Printed/Typed Name JAVIER HERNANDEZ		Signature Javier Hernandez	
18. Transporter 2 Acknowledgement of Receipt of Materials				Printed/Typed Name		Signature	
19. Discrepancy Indication Space				Printed/Typed Name FRANK FORD		Signature Frank Ford	
20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19							

DHS 8022-A (1/87)

EPA 8700-22

(Rev. 9-86) Previous editions are obsolete

WHEN TSD SENDS THIS COPY TO DCHS WITHIN 30 DAYS

1515 L St., Suite 200, Sacramento, CA 95812

INSTRUCTIONS ON THE BACK

IN CASE OF AN EMERGENCY OR SPILL, CALL THE NATIONAL RESPONSE CENTER 1-800-424-8802. WITHIN CALIFORNIA CALL 1-800-852-7550

Please print or type. (Form designed for use on elite (12-pitch typewriter))

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator's US EPA ID No. <b>C A D 0 6 4 4 7 6 3 0 2</b>		2. Page 1 of 1		3. Information in the shaded areas is not required by Federal law	
3. Generator's Name and Mailing Address <b>CIPHER DATA PRODUCTS 10225 WILLOW CREEK RD. SAN DIEGO, CA 92123</b>				A. State Manifest Document Number <b>87564484</b>			
4. Generator's Phone (619) 578 - 9100				B. State Generator's ID			
5. Transporter 1 Company Name		6. US EPA ID Number		C. State Transporter's ID		D. Transporter's Phone	
				<b>CA560 01084</b>		<b>213/698 - 0991</b>	
7. Transporter 2 Company Name		8. US EPA ID Number		E. State Transporter's ID		F. Transporter's Phone	
9. Designated Facility Name and Site Address <b>OMEGA RECOVERY SERVICES 12512 E. WHITTIER BLVD. WHITTIER, CA 90602</b>		10. US EPA ID Number <b>CA 1 D 0 4 2 2 4 5 0 0 1</b>		G. State Facility's ID <b>CA 1 D 0 4 2 2 4 5 0 0 1</b>		H. Facility's Phone <b>213/698 - 0991</b>	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)				12. Containers		13. Total Quantity	
				No. Type		Unit	
a. <b>WASTE FLUX NA 1270</b>				001		33 gals.	
b. <b>WASTE FLUX NAXIBEXX 1270</b>				001		55 gals.	
c. <i>Flammable waste liquid NOS UN1993</i>				002		110 gals.	
d.							
J. Additional Descriptions for Materials Listed Above				K. Handling Codes for Wastes Listed Above			
a) Solder Flux				a. 01			
b) Solder Flux				b. 01			
c) Saponified lye				c. 01			
15. Special Handling Instructions and Additional Information				d. 01			
MATERIAL IS IN 1 33 GALLION DRUM & 1 55 GALLION DRUM							
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.							
Printed/Typed Name <b>RUSS PECORARO</b>				Signature <i>Russ Pecoraro</i> 4/6/89 Month Day Year			
17. Transporter 1 Acknowledgement of Receipt of Materials				Signature <i>Javier Hernandez</i> 10/6/89 Month Day Year			
Printed/Typed Name <b>JAVIER HERNANDEZ</b>				Signature <i>Javier Hernandez</i> 10/6/89 Month Day Year			
18. Transporter 2 Acknowledgement of Receipt of Materials				Signature <i>Frank Ford</i> 10/6/89 Month Day Year			
Printed/Typed Name <b>FRANK FORD</b>				Signature <i>Frank Ford</i> 10/6/89 Month Day Year			
19. Discrepancy Indication Space							
20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.							
Printed/Typed Name <b>FRANK FORD</b>				Signature <i>Frank Ford</i> 10/6/89 Month Day Year			

DHS B022 A (1/87)

EPA B700-22

(Rev. 9-86) Previous editions are obsolete.

When TSDF SENDS THIS COPY TO DCHS WITHIN 30 DAYS

To: P.O. Box 3000, Sacramento, CA 95812

INSTRUCTIONS ON THE BACK

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05/30/2001 "ORIGINAL MANIFEST COPY"

Please print or type. (Form designed for use on elite (12-pitch typewriter).

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator's US EPA ID No. C1A1D1016141476302		Manifest Document No. 11111		2. Page 1 of 1		Information in the shaded areas is not required by Federal law			
3. Generator's Name and Mailing Address <b>CIPHER DATA</b> 10225 WILLOW CREEK RD. SAN DIEGO, CA. 92131						A. State Manifest Document Number 87564494					
						B. State Generator's ID C1A1D1016141476302					
4. Generator's Phone (619) 578-9100						C. State Transporter's ID 803585					
5. Transporter 1 Company Name OMEGA CHEMICAL COMPANY						D. Transporter's Phone (213) 698-0991					
6. US EPA ID Number C1A1D101412145001						E. State Transporter's ID					
7. Transporter 2 Company Name						F. Transporter's Phone					
8. US EPA ID Number						G. State Facility's ID C1A1D1014121451001					
9. Designated Facility Name and Site Address OMEGA CHEMICAL CO. 12504 E. WHITTIER BLVD. WHITTIER, CALIF. 90202						H. Facility's Phone (213) 698-0991					
10. US EPA ID Number C1A1D101412145001											
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)						12. Containers		13. Total Quantity		14. Unit Wt/Vol	
						No. Type					
a. WASTE OIL AND MIXED OIL						1012 DIM		111110 G		State Waste No. 221	
b. FREON TMS FLUOROCARBON SOLVENT LIQUID N.O.S. ORM-E UN 9189						1011 DIM		11155 G		State Waste No. 211	
c. WASTE FLUX						1011 DIM		11155 G		State Waste No. 132	
d.										EPA/Other UN 1325	
J. Additional Descriptions for Materials Listed Above C- 150 PROPYL ALCOHOL 75-90% MOD. POLYETHOXYLATED ALCOHOL 5-10%						K. Handling Codes for Wastes Listed Above					
						a. 01		b. 01			
						c. 01		d.			
15. Special Handling Instructions and Additional Information SAFETY GLASSES AND GLOVES											
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.											
Printed/Typed Name H. F. SPANGENBERG						Signature <i>H. F. Spangenberg</i>			Month Day Year 10/21/88		
17. Transporter 1 Acknowledgement of Receipt of Materials											
Printed/Typed Name JAVIER HERNANDEZ						Signature <i>Javier Hernandez</i>			Month Day Year 02/26/88		
18. Transporter 2 Acknowledgement of Receipt of Materials											
Printed/Typed Name						Signature			Month Day Year		
19. Discrepancy Indication Space											
20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.											
Printed/Typed Name FRANK FORD						Signature <i>Frank Ford</i>			Month Day Year 10/21/88		

DHS 8022 A (1/87)

EPA 8700-22

(Rev. 9-86) Previous editions are obsolete.

WHICH SENDS THIS COPY TO DORS WITHIN 30 DAYS  
To: P.O. Box 3000, Sacramento, CA 95812

INSTRUCTIONS ON THE BACK

IN CASE OF AN EMERGENCY OR SPILL, CALL THE NATIONAL RESPONSE CENTER 1-800-424-8802; WITHIN CALIFORNIA CALL 1-800-852-7550

8803

24

8844 25



Please print or type (Form designed for use on elite (12-pitch) typewriter)

# UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No  
CA D064476302

Manifest  
Document No  
1111

2. Page 1  
of 1

Information in the shaded areas  
is not required by Federal law

3. Generator's Name and Mailing Address  
Cipher Data Co.  
10119 Carrol Canyon Rd.  
San Diego, Ca. 92138  
4. Generator's Phone (619) 693-7800

A. State Manifest Document Number  
87564495

B. State Generator's ID

5. Transporter 1 Company Name  
Omega Recovery

6. US EPA ID Number  
CA D042245001

C. State Transporter's ID CA 600904875

D. Transporter's Phone 213/698-0991

7. Transporter 2 Company Name

8. US EPA ID Number

E. State Transporter's ID

F. Transporter's Phone

9. Designated Facility Name and Site Address  
Omega Recovery Services  
12512 E. Whittier Blvd.  
Whittier, Ca. 90602

10. US EPA ID Number

G. State Facility's ID  
CA D042245001

H. Facility's Phone 213/698-0991

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers  
No. Type

13. Total  
Quantity

14. Unit  
WT/Vol

15. Waste No

a. Waste Flammable Liquid Nos  
(Waste Oil) NA 1270

00 1 D M

40  
318

State

EPA/Other

b. Waste Flammable Liquid  
(Waste Flux) NA 9189

00 1 D M

155

State

EPA/Other

c. Waste Flammable Liquid  
(Solvent Cleaner)

00 2

155

State

EPA/Other

d. Waste Flammable Liquid  
(Waste Oil)

00 1

155

State

EPA/Other

16. Additional Descriptions for Materials Listed Above

K. Handling Codes for Wastes Listed Above

a. 01

b. 01

c. 01

d. 01

15. Special Handling Instructions and Additional Information

C. 2-5G Containers  
D. 1-5G Containers

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.  
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Printed/Typed Name

Signature

Month Day Year

TERI GILL

T. Gill

11/10/1988

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

JAVIER HERNANDEZ

Javier Hernandez

11/10/1988

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in item 19.

Printed/Typed Name

Signature

Month Day Year

FRANK FORD

Frank Ford

11/10/1988

Please print or type. (Form designed for use on elite (12-pitch typewriter).

# UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No.

CAD01644763102

Manifest  
Document No.

2. Page 1  
of 1

Information in the shaded areas  
is not required by Federal law

3. Generator's Name and Mailing Address

CIPHER DATA  
10419 Carroff Canyon Rd  
S.D. 92131  
4. Generator's Phone 619 578-9100

5. Transporter 1 Company Name

AMERICAN TRUCKING

6. US EPA ID Number

CAD000032870

7. Transporter 2 Company Name

8. US EPA ID Number

9. Designated Facility Name and Site Address

OMEGA Chemical Co.  
12504 E. Whittier Blvd  
Whittier, CA 90602

10. US EPA ID Number

CAD042245001

A. State Manifest Document Number

87564497

B. State Generator's ID

CAD0644763102

C. State Transporter's ID

CAD000032870

D. Transporter's Phone

714 777-6026

E. State Transporter's ID

CAD01644763102

F. Transporter's Phone

619 578-9100

G. State Facility's ID

CAD042245001

H. Facility's Phone

714 777-6026

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

a. HAZARDOUS WASTE Liquid N.O.S. ORN-E  
(FREON TMS) U.N. 9189

12. Containers

No. Type

3 BM

13. Total  
Quantity

1.506L

14. Unit  
Wt/Vol

211

15. Waste No.

211

16. Additional Descriptions for Materials Listed Above

X. Handling Codes for Wastes Listed Above

a. 01

17. Special Handling Instructions and Additional Information

18. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.

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Printed/Typed Name

CHRISTINE ATKINSON

Signature

Christine Atkinson

Month Day Year

11/10/87

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

CRAIG DYER

Signature

Craig Dyer

Month Day Year

11/10/87

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name

J. Brent Oliver

Signature

J. Brent Oliver

Month Day Year

11/11/97

Please print or type. (Form designed for use on elite (12-pitch typewriter).)

# UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No.

CAD064476302

Manifest  
Document No.

2. Page  
of 1

Information in the shaded areas  
is not required by Federal law.

3. Generator's Name and Mailing Address

Cipher Data Products, Inc.  
10119 Carol Canyon Rd.

4. Generator's Phone

San Diego, Ca. 92138 (619) 578-9108

A. State Manifest Document Number  
87564499

B. State Generator's ID

CAD064476302

5. Transporter 1 Company Name

American Trucking

6. US EPA ID Number

CAD0000032870

C. State Transporter's ID

89591

D. Transporter's Phone

714 544-6026

7. Transporter 2 Company Name

8. US EPA ID Number

E. State Transporter's ID

F. Transporter's Phone

9. Designated Facility Name and Site Address

Omega Chemical Company  
12504 E. Whitter Blvd.  
Whitter, Ca. 90202

10. US EPA ID Number

CAD042245001

G. State Facility's ID

CAD042245001

H. Facility's Phone

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

a. Hazardous Waste Liquid N.O.S. ORM-E U.N. 9189

b. (Freon TMS)

c.

d.

12. Containers  
No. Type

2 DM

13. Total  
Quantity

14. Unit  
Wt/Vol

15. Waste No.

State  
EPA/Other

State  
EPA/Other

State  
EPA/Other

State  
EPA/Other

J. Additional Descriptions for Materials Listed Above

Wear Appropriate rubber gloves and goggles

K. Handling Codes for Wastes Listed Above

a. 0

b.

c.

d.

15. Special Handling Instructions and Additional Information

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Printed/Typed Name

Christine Atkinson

Signature

Christine Atkinson

Month Day Year

10/9/01 21/8/7

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

George P. Hudson

Signature

George P. Hudson

Month Day Year

9/8/87

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name

M. JAY Solomon

Signature

M. Jay Solomon

Month Day Year

1/19/12



UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.	Manifest Document No.	2. Page 1 of 1	Information in the shaded areas is not required by Federal law
3. Generator's Name and Mailing Address SUNBELT DATA ENGINEERING 10225 WILSON AVE SAN DIEGO, CA 92131		CA00064476302		A. State Manifest Document Number 88675920	
4. Generator's Phone (619) 578-9100		5. Transporter's Company Name OMEGA RECOVERY, INC.		B. State Generator's ID	
6. Transporter's Company Name		7. Transporter's US EPA ID Number CA00064476302		C. State Transporter's ID CA 360	
8. Designated Facility Name and Site Address OMEGA RECOVERY SERVICES 12512 E. WHITTIER BLVD WHITTIER, CA 90602		9. US EPA ID Number CA00064476302		D. Transporter's Phone (213) 648-0771	
10. US EPA ID Number		11. State Facility's ID CAID0142245001		E. State Transporter's ID Transporter's Phone	
12. Containers		13. Total Quantity		14. Unit Wt/Vol	
15. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number) HAZ WASTE SOLID ORIE (LMB PACK NA9/89)		16. Containers No. Type 1 OM		17. Total Quantity 55 GAL	
18. State		19. EPA/Other		20. State	
21. EPA/Other		22. State		23. EPA/Other	
24. State		25. EPA/Other		26. State	
27. EPA/Other		28. State		29. EPA/Other	
30. State		31. EPA/Other		32. State	
33. EPA/Other		34. State		35. EPA/Other	
36. State		37. EPA/Other		38. State	
39. EPA/Other		40. State		41. EPA/Other	
42. State		43. EPA/Other		44. State	
45. EPA/Other		46. State		47. EPA/Other	
48. State		49. EPA/Other		50. State	
51. EPA/Other		52. State		53. EPA/Other	
54. State		55. EPA/Other		56. State	
57. EPA/Other		58. State		59. EPA/Other	
60. State		61. EPA/Other		62. State	
63. EPA/Other		64. State		65. EPA/Other	
66. State		67. EPA/Other		68. State	
69. EPA/Other		70. State		71. EPA/Other	
72. State		73. EPA/Other		74. State	
75. EPA/Other		76. State		77. EPA/Other	
78. State		79. EPA/Other		80. State	
81. EPA/Other		82. State		83. EPA/Other	
84. State		85. EPA/Other		86. State	
87. EPA/Other		88. State		89. EPA/Other	
90. State		91. EPA/Other		92. State	
93. EPA/Other		94. State		95. EPA/Other	
96. State		97. EPA/Other		98. State	
99. EPA/Other		100. State		101. EPA/Other	
102. State		103. EPA/Other		104. State	
105. EPA/Other		106. State		107. EPA/Other	
108. State		109. EPA/Other		110. State	
111. EPA/Other		112. State		113. EPA/Other	
114. State		115. EPA/Other		116. State	
117. EPA/Other		118. State		119. EPA/Other	
120. State		121. EPA/Other		122. State	
123. EPA/Other		124. State		125. EPA/Other	
126. State		127. EPA/Other		128. State	
129. EPA/Other		130. State		131. EPA/Other	
132. State		133. EPA/Other		134. State	
135. EPA/Other		136. State		137. EPA/Other	
138. State		139. EPA/Other		140. State	
141. EPA/Other		142. State		143. EPA/Other	
144. State		145. EPA/Other		146. State	
147. EPA/Other		148. State		149. EPA/Other	
150. State		151. EPA/Other		152. State	
153. EPA/Other		154. State		155. EPA/Other	
156. State		157. EPA/Other		158. State	
159. EPA/Other		160. State		161. EPA/Other	
162. State		163. EPA/Other		164. State	
165. EPA/Other		166. State		167. EPA/Other	
168. State		169. EPA/Other		170. State	
171. EPA/Other		172. State		173. EPA/Other	
174. State		175. EPA/Other		176. State	
177. EPA/Other		178. State		179. EPA/Other	
180. State		181. EPA/Other		182. State	
183. EPA/Other		184. State		185. EPA/Other	
186. State		187. EPA/Other		188. State	
189. EPA/Other		190. State		191. EPA/Other	
192. State		193. EPA/Other		194. State	
195. EPA/Other		196. State		197. EPA/Other	
198. State		199. EPA/Other		200. State	
201. EPA/Other		202. State		203. EPA/Other	
204. State		205. EPA/Other		206. State	
207. EPA/Other		208. State		209. EPA/Other	
210. State		211. EPA/Other		212. State	
213. EPA/Other		214. State		215. EPA/Other	
216. State		217. EPA/Other		218. State	
219. EPA/Other		220. State		221. EPA/Other	
222. State		223. EPA/Other		224. State	
225. EPA/Other		226. State		227. EPA/Other	
228. State		229. EPA/Other		230. State	
231. EPA/Other		232. State		233. EPA/Other	
234. State		235. EPA/Other		236. State	
237. EPA/Other		238. State		239. EPA/Other	
240. State		241. EPA/Other		242. State	
243. EPA/Other		244. State		245. EPA/Other	
246. State		247. EPA/Other		248. State	
249. EPA/Other		250. State		251. EPA/Other	
252. State		253. EPA/Other		254. State	
255. EPA/Other		256. State		257. EPA/Other	
258. State		259. EPA/Other		260. State	
261. EPA/Other		262. State		263. EPA/Other	
264. State		265. EPA/Other		266. State	
267. EPA/Other		268. State		269. EPA/Other	
270. State		271. EPA/Other		272. State	
273. EPA/Other		274. State		275. EPA/Other	
276. State		277. EPA/Other		278. State	
279. EPA/Other		280. State		281. EPA/Other	
282. State		283. EPA/Other		284. State	
285. EPA/Other		286. State		287. EPA/Other	
288. State		289. EPA/Other		290. State	
291. EPA/Other		292. State		293. EPA/Other	
294. State		295. EPA/Other		296. State	
297. EPA/Other		298. State		299. EPA/Other	
300. State		301. EPA/Other		302. State	
303. EPA/Other		304. State		305. EPA/Other	
306. State		307. EPA/Other		308. State	
309. EPA/Other		310. State		311. EPA/Other	
312. State		313. EPA/Other		314. State	
315. EPA/Other		316. State		317. EPA/Other	
318. State		319. EPA/Other		320. State	
321. EPA/Other		322. State		323. EPA/Other	
324. State		325. EPA/Other		326. State	
327. EPA/Other		328. State		329. EPA/Other	
330. State		331. EPA/Other		332. State	
333. EPA/Other		334. State		335. EPA/Other	
336. State		337. EPA/Other		338. State	
339. EPA/Other		340. State		341. EPA/Other	
342. State		343. EPA/Other		344. State	
345. EPA/Other		346. State		347. EPA/Other	
348. State		349. EPA/Other		350. State	
351. EPA/Other		352. State		353. EPA/Other	
354. State		355. EPA/Other		356. State	
357. EPA/Other		358. State		359. EPA/Other	
360. State		361. EPA/Other		362. State	
363. EPA/Other		364. State		365. EPA/Other	
366. State		367. EPA/Other		368. State	
369. EPA/Other		370. State		371. EPA/Other	
372. State		373. EPA/Other		374. State	
375. EPA/Other		376. State		377. EPA/Other	
378. State		379. EPA/Other		380. State	
381. EPA/Other		382. State		383. EPA/Other	
384. State		385. EPA/Other		386. State	
387. EPA/Other		388. State		389. EPA/Other	
390. State		391. EPA/Other		392. State	
393. EPA/Other		394. State		395. EPA/Other	
396. State		397. EPA/Other		398. State	
399. EPA/Other		400. State		401. EPA/Other	
402. State		403. EPA/Other		404. State	
405. EPA/Other		406. State		407. EPA/Other	
408. State		409. EPA/Other		410. State	
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414. State		415. EPA/Other		416. State	
417. EPA/Other		418. State		419. EPA/Other	
420. State		421. EPA/Other		422. State	
423. EPA/Other		424. State		425. EPA/Other	
426. State		427. EPA/Other		428. State	
429. EPA/Other		430. State		431. EPA/Other	
432. State		433. EPA/Other		434. State	
435. EPA/Other		436. State		437. EPA/Other	
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612. State		613. EPA/Other		614. State	
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636. State		637. EPA/Other		638. State	
639. EPA/Other		640. State		641. EPA/Other	
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675. EPA/Other		676. State		677. EPA/Other	
678. State		679. EPA/Other		680. State	
681. EPA/Other		682. State		683. EPA/Other	



**UNIFORM HAZARDOUS  
WASTE MANIFEST**

1. Generator's US EPA ID No.  
CA 00164476302

Manifest  
Document No.

2. Page  
of 1

Information in the shaded areas  
is not required by Federal law.

3. Generator's Name and Mailing Address

CIPHER DATA PRODUCTS  
10225 WILLOW CREEK RD.

SAN DIEGO, CA 92131 (619) 578-9100

A. State Manifest Document Number

88675925

B. State Generator's ID

5. Transporter 1 Company Name

OMEGA RECOVERY

6. US EPA ID Number

CA 042245001

C. State Transporter's ID

CA560 012455

D. Transporter's Phone (213) 698-0991

7. Transporter 2 Company Name

8. US EPA ID Number

E. State Transporter's ID

F. Transporter's Phone

9. Designated Facility Name and Site Address

OMEGA RECOVERY SERVICES  
12512 E. WHITTIER BLVD  
WHITTIER, CA 90602

10. US EPA ID Number

CA 042245001

G. State Facility's ID

CA 042245001  
H. Facility's Phone (213) 698-0991

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers  
No. Type

13. Total  
Quantity

14.  
Unit  
Wt/Vol

15.  
Waste No.

a. WASTE FLUX NA 1270

0 1 D M

5 GAL

State

EPA/Other

b. CORROSIVE LIQUIDS NOS  
LAB PACK UN 1760 (see attached list)

0 1 D M

8 GAL

State

EPA/Other

c. WASTE MOTOR OIL UN 1993

0 1 D M

5 GAL

State

EPA/Other

d. FLAMMABLE LIQUID NOS UN 1898

0 1 D M

5 GAL

State

EPA/Other

J. Additional Descriptions for Materials Listed Above

K. Handling Codes for Wastes Listed Above

A. SOLDER FLUX

01

01

B. SEE ATTACHED LAB PACK LIST

01

01

15. Special Handling Instructions and Additional Information

16.

**GENERATOR'S CERTIFICATION:** I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.

If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment. OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name

H. F. SPANGENBERG

Signature

*H. F. Spangenberg*

Month Day Year

02/13/90

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

JAVIER HERNANDEZ

Signature

*Javier Hernandez*

Month Day Year

02/13/90

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19

Printed/Typed Name

FRANK FORD

Signature

*Frank Ford*

Month Day Year

02/13/90

88675925  
IN CASE OF AN EMERGENCY OR SPILL, CALL THE NATIONAL RESPONSE CENTER 1-800-424-6802. WITHIN CALIFORNIA CALL 1-800-852-7550

Please print or type (Form designed for use on elite (12 pitch typewriter)

**UNIFORM HAZARDOUS  
WASTE MANIFEST**

Generator's US EPA ID No. **CAD981036761**

Page **1** of **2**

Information in the shaded areas  
is not required by Federal law

3 Generator's Name and Mailing Address

**CIPHER DATA  
10225 WILLOW CREEK RD SAN DIEGO**

A State Manifest Document Number

**90203369**

4 Generator's Phone **619 693-7195**

**76-9-2135**

B State Generator's ID

5 Transporter 1 Company Name

**OMEGA RECOVERY**

**CAD042245001**

C State Transporter's ID

**012455**

D Transporter's Phone **(213) 698-0991**

7 Transporter 2 Company Name

E State Transporter's ID

F Transporter's Phone

9 Designated Facility Name and Site Address

**OMEGA RECOVERY  
12504 E. WHITTIER BLVD  
WHITTIER CA 90603**

G State Facility's ID

**CAD042245001**

H Facility's Phone

**(213) 698-0991**

11 US DOT Description (Including Proper Shipping Name, Hazard Class, and Quantity)

a **WASTE FLAMMABLE LIQUID N O S**

**(WASTE NAPHTHA) UN 1993**

**0110 PL 0109/10 G**

State

EPA/Other

b **WASTE FLAMMABLE SOLID N O S**

**(WASTE PAINT)**

**003 DM 010400 P**

State

EPA/Other

**HAZARDOUS WASTE LIQUID N O S**

**(WASTE TRICHLOROETHANE)**

**003 0100/15 G**

State

EPA/Other

J Additional Descriptions for Materials Listed Above

K Handling Codes for Wastes Listed Above

a **01**

b **01**

c **01**

d

5 Special Handling Instructions and Additional Information

**GENERATOR'S CERTIFICATION:** I hereby declare that the waste described above by proper shipping name and are classified, packaged, marked and labeled and are in accordance with the DOT, EPA, and other applicable federal, state, and local government regulations.

If I am a large quantity generator, I certify that I have a program in place to manage the waste generated to the degree I have determined to be economically practicable and that I have selected the best waste management method that is available to me, taking into account the present and future threat to human health and the environment. OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me.

Printed, Typed Name

**WAYLAND ROBERTS**

*Wayland Roberts*

Month Day Year

17 Transporter 1 Acknowledgement of Receipt of Materials

Printed, Typed Name

**ALICE RODRIGUEZ**

*Alice Rodriguez*

Month Day Year

18 Transporter 2 Acknowledgement of Receipt of Materials

Printed, Typed Name

Signature

Month Day Year

19 Discrepancy Indication Space

20 Facility Owner or Operator Certification of receipt of hazardous materials listed by this manifest except as noted in item 19

Printed, Typed Name

**FRANK FORD**

*Frank Ford*

Month Day Year

**10/6/89**

Do Not Write Below This Line

DHS 8022 A (1-88)

EPA 8700-1-27

(Rev. 9-88) Previous editions are obsolete

DO NOT WRITE BELOW THIS LINE

DOH, WITHIN 30 DAYS  
Sacramento, CA 95812



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U.S. EPA Docket No. 2004-13

## ADMINISTRATIVE ORDER ON CONSENT

Proceeding under Section 122(g)(4)  
of the Comprehensive Environmental  
Response, Compensation, and  
Liability Act of 1980, as amended,  
42 U.S.C. § 9622(g)(4)

## **I. JURISDICTION**

1. This Administrative Order on Consent ("Consent Order") is issued pursuant to the authority vested in the President of the United States by Section 122(g)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9622(g)(4), to reach settlements in actions under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607. The authority vested in the President has been delegated to the Administrator of the United States Environmental Protection Agency ("EPA") by Executive Order 12580, 52 Fed. Reg. 2923 (Jan. 29, 1987), and further delegated to the Regional Administrators of the EPA by Delegation No. 14-14-E (issued May 11, 1994, amended by memorandum May 19, 1995). Within EPA Region IX, this authority has been delegated to the Superfund Division Director by a Regional Order 1290.21A entitled "De Minimis Settlements," dated September 29, 1997, and redelegated to the Superfund Branch Chief by EPA Regional Order R9 1290.20.

2. This Consent Order is issued to the persons, corporations, or other entities identified in Appendix A ("Respondents"). Each Respondent agrees to undertake all actions required by this Consent Order. Each Respondent further consents to and will not contest the EPA's jurisdiction to issue this Consent Order or to implement or enforce its terms.

3. The EPA and the Respondents agree that the actions undertaken by the Respondents in accordance with this Consent Order do not constitute an admission of any liability by any Respondent. The Respondents do not admit, and retain the right to controvert in any subsequent proceedings other than proceedings to implement or enforce this Consent Order, the validity of the Statement of Facts contained in Section IV or the Determinations contained in Section V of this Consent Order.

## **II. STATEMENT OF PURPOSE**

4. By entering into this Consent Order, the mutual objectives of the Parties are:

a. to reach a final settlement among the Parties pursuant to Section 122(g) of CERCLA, 42 U.S.C. § 9622(g), that allows these Respondents to make a cash payment, including a premium, to resolve their alleged civil liability under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607, for injunctive relief with regard to the Site and for response costs incurred and to be incurred at or in connection with the Site, thereby reducing litigation relating to the Site;

b. to simplify the remaining administrative and judicial enforcement activities concerning the Site by eliminating a substantial number of potentially responsible parties from further involvement at the Site; and

c. to obtain settlement with these Respondents for their fair share of response costs incurred and to be incurred at or in connection with the Site by the Hazardous Substance Superfund and by other persons, and to provide for full and complete contribution protection for Respondents with regard to the Site, pursuant to Sections 113(f)(2) and 122(g)(5) of CERCLA, 42 U.S.C. §§ 9613(f)(2) and 9622(g)(5).

### **III. DEFINITIONS**

5. Unless otherwise expressly provided herein, terms used in this Consent Order that are defined in CERCLA or in regulations promulgated under CERCLA shall have the meaning assigned to them in the statute or regulations. Whenever the terms listed below are used in this Consent Order, including the attached appendices, the following definitions shall apply:

a. "CERCLA" shall mean the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq.

b. "Consent Order" or "Order" shall mean this Administrative Order on Consent. This Consent Order shall include all appendices attached hereto, except to the extent of any conflict, in which case this Consent Order shall control over such appendices.

c. "Day" shall mean a calendar day. In computing any period of time under this Consent Order, where the last day would fall on a Saturday, Sunday or federal holiday, the period shall run until the close of business of the next working day.

d. "EPA" shall mean the United States Environmental Protection Agency and any successor departments, agencies or instrumentalities.

e. "EPA Hazardous Substance Superfund" shall mean the Hazardous Substances Superfund established by the Internal Revenue Code, 26 U.S.C. § 9507.

f. "Interest" shall mean interest at the rate specified for interest on investments of the Hazardous Substance Superfund established by 26 U.S.C. § 9507, compounded annually on October 1 of each year, in accordance with 42 U.S.C. § 9607(a). The applicable rate of interest shall be the rate at the time the interest accrues. The rate of interest is subject to change on October 1 of each year.

g. "Paragraph" shall mean a portion of this Consent Order identified by an arabic numeral.

h. "Parties" shall mean the EPA, the Respondents, and the State.

i. "Respondents" shall mean those persons, corporations, or other entities listed in Appendix A.

j. "Response costs" shall mean all costs of "response" as that term is defined by Section 101(25) of CERCLA, 42 U.S.C. § 9601(25).

k. "Section" shall mean a portion of this Consent Order identified by a roman numeral, except as otherwise used with reference to a section of a statute.

l. "Site" shall mean the Omega Chemical Superfund Site located at 12504 and 12512 East Whittier Boulevard, Whittier, California, Los Angeles County, California, and generally shown on the maps attached as Appendix B.

m. "State" shall mean the State of California on behalf of the Department of Toxic Substances Control, the successor entity to the California Department of Health Services, and any successor departments or agencies, and on behalf of the California Hazardous Substance Account and any successor accounts.

n. "United States" shall mean the United States of America, its agencies, departments, and instrumentalities.

#### **IV. STATEMENT OF FACTS**

6. The Omega Chemical Corporation facility is located at 12504 and 12512 East Whittier Boulevard, Whittier, California, Los Angeles County, California. From approximately 1976 to 1991, the Omega Chemical Corporation and Omega Refrigerant Reclamation Company operated the facility as a used solvent and refrigerant recycling, reformulation, and treatment facility. This operation primarily handled chlorinated solvents such as degreasing and dry-cleaning chemicals and refrigerants.

7. Hazardous substances have been or are threatened to be released at or from the Site. Hazardous substances at the Site include, but are not limited to: Tetrachloroethene ("PCE"); Trichloroethene ("TCE"); Freon 11; Freon 113; 1,1-Dichloroethene; Cis-1,2-Dichloroethene; Trans-1,2-Dichloroethene; 1,1-Dichloroethane; 1,2-Dichloroethane; 1,1,1-Trichloroethane; 1,1,2,2-Tetrachloroethane; Carbon Tetrachloride; Methylene Chloride; Vinyl Chloride; Benzene; MTBE; Aluminum; Chromium; Selenium; Perchlorate; Chloroform; Acetone; Chlordane; Lindane; BHC (alpha, beta gamma combined); and Heptachlor Epoxide. (See, 40 C.F.R. § 302.4.) Hazardous substances found at the Site are co-mingled.

8. As a result of the release or threatened release of hazardous substances, EPA has undertaken response actions at or in connection with the Site under Section 104 of CERCLA, 42 U.S.C. § 9604, and will undertake response actions in the future.

a. On August 27, 1993, EPA conducted a Site Assessment at the request of the California EPA, Department of Toxic Substances Control ("DTSC"). During this assessment, EPA observed over 2,900 fifty-five gallon drums of unprocessed hazardous wastes. At that time, DTSC was conducting negotiations with the Site owner and operator, Omega Chemical Corporation ("OCC"), to remove or otherwise address these wastes. An agreement was not reached by the parties.

b. In January 1995, EPA conducted a second Site Assessment at the request of DTSC and observed approximately 3,000 drums in various stages of deterioration, many of which were corroded and leaking. Leaking substances were migrating to other portions of the Site and off Site. These substances presented an imminent and substantial threat to human health and environment.

c. On May 3, 1995, a time critical Removal Action Memorandum was signed authorizing a removal action involving the following response actions: a) securing the Site; b) sampling and categorizing hazardous materials; c) removing hazardous substances and grossly contaminated equipment, structures, and debris; d) sampling surface and subsurface soils and groundwater to determine the nature and extent of contamination; e) disposing, stabilizing or treating grossly contaminated soils; and f) grading, capping, and fencing areas where contamination remained in the soil.

e. On May 9, 1995, EPA issued Unilateral Administrative Order 95-15 ("the 1995 UAO") to certain Potentially Responsible Parties ("PRPs") to perform work described by the Action Memorandum. These parties each arranged for the disposal of hazardous substances at the Site in an amount equal to or greater than ten tons. These parties established a group identified as the Omega PRP Organized Group ("OPOG").

f. In September 1998, EPA proposed the Site for listing on the National Priorities List ("NPL"). On January 19, 1999, pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, EPA placed the Omega Site on the NPL, as set forth at 40 C.F.R. Part 300, Appendix B. (See, 64 Fed. Reg. 2950.)

g. To expedite Site characterization and response activities, EPA divided the Site into operable units. The operable units for the Site include Operable Unit One which addresses work to be performed within the Phase 1a Area and Operable Unit Two which addresses work to be performed downgradient from Phase 1a Area. The Phase 1a Area is the area of soil and groundwater contamination associated with the Omega Property and extending downgradient approximately 100 feet southwest of Putnam Street, Whittier, California. Operable Unit Two addresses all other areas where contamination associated with the Omega facility has come to be located, specifically the groundwater plume which extends downgradient of the Phase 1a Area.

h. On April 1, 1999, EPA issued Special Notice Letters to OPOG members and commenced negotiations of a Partial Consent Decree requiring response work including a non-time critical removal action and a Remedial Investigation and Feasibility Study ("RI/FS") addressing soils located within the Phase 1a Area, also known as Operable Unit One. On February 23, 2000, the Partial Consent Decree, Docket No. 00-12741-TJH, was entered by the United States District Court for the Central District of California.

i. On January 5, 2004, EPA issued Unilateral Administrative Order No. 9-2004-0004 ("the 2004 UAO") to twenty (20) parties to perform downgradient groundwater plume assessment work within Operable Unit Two at the Site. These parties were not signatories to the Partial Consent Decree entered on February 23, 2000. The Respondents of the 2004 UAO arranged for the disposal of hazardous substances at the Site in an amount equal to or greater than ten tons.

j. Since February 2002, EPA has installed and sampled groundwater monitoring wells downgradient of the Phase 1a Area as part of the Operable Unit Two investigation. EPA has gathered data during quarterly groundwater sampling which identifies a downgradient groundwater plume existing as a result of releases of hazardous substances at the Site. After one year of sampling, EPA established that a groundwater plume underneath and downgradient from the Site facility contains the hazardous substances found at the Site facility including, but not limited to, PCE, TCE, Freon 11, and Freon 113. Additional monitoring and sampling is necessary to fully characterize the groundwater plume. This sampling and data will be incorporated into a RI/FS for the Site, pursuant to CERCLA and the NCP, 40 C.F.R. Part 300.

9. In performing these response actions, EPA has incurred and will continue to incur response costs at or in connection with the Site.

10. Each Respondent listed in Appendix A arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of one or more hazardous substances at the Site.

11. Each Respondent listed in Appendix A contributed less than 10 tons of materials containing hazardous substances, the toxic or other hazardous effects of which are not significantly greater than any other hazardous substances at the Omega Site. The volume of materials attributed by the EPA to each Respondent is identified in Appendix A.

12. The EPA estimates that the total of the response costs incurred and to be incurred at or in connection with the Site by the U.S. EPA Hazardous Substance Superfund, the State of California, and by private parties is not less than \$ 190,700,000. The payment each Respondent is required to make pursuant to this Consent Order, which is identified for each Respondent in Appendix A, is a minor portion of this total amount.

## **V. DETERMINATIONS**

13. Based upon the Findings of Fact set forth above and on the administrative record for this Site, EPA has made the following determinations:

a. The Omega Chemical Site is a "facility" as that term is defined in Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

b. Each Respondent is a "person" as that term is defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

c. Each Respondent is a potentially responsible party within the meaning of Sections 107(a) and 122(g)(1) of CERCLA, 42 U.S.C. §§ 9607(a) and 9622(g)(1).

d. There has been an actual or threatened "release" of a hazardous substance from the Site as that term is defined in Section 101(22) and (14) of CERCLA, 42 U.S.C. § 9601(22) and (14).

e. Response costs were incurred as a result of the actual or threatened "release."

f. Prompt settlement with the Respondents is practicable and in the public interest within the meaning of Section 122(g)(1) of CERCLA, 42 U.S.C. § 9622(g)(1).

g. The allocated share of each Respondent, as assessed by this Consent Order, is only a minor portion of the total response costs for the Site within the meaning of Section 122(g)(1) of CERCLA, 42 U.S.C. § 9622(g)(1).

h. The amount of hazardous substances contributed to the Site by each Respondent and the toxic or other hazardous effects of the hazardous substances contributed to the Site by each Respondent are minimal in comparison to other hazardous substances at the Site within the meaning of Section 122(g)(1)(A) of CERCLA, 42 U.S.C. § 9622(g)(1)(A).

## **VI. ORDER**

14. Based upon the administrative record for the Site and the Statement of Facts and the Determinations set forth above, and in consideration of the promises and covenants set forth herein, it is hereby AGREED AND ORDERED as follows:



## **VII. PAYMENT**

15. Within thirty (30) days of the effective date of this Consent Order, each Non-Federal Respondent shall pay the amount opposite its, her, or his name in Appendix A to this Consent Order, in accordance with the provisions of this Section.

16. As soon as reasonably practicable after the effective date of this Consent Order, the United States, on behalf of the Federal Respondents, shall pay the total of the amounts opposite the names of the Federal Respondents, in accordance with the provisions of this Section. The Parties to this Consent Order recognize and acknowledge that the payment obligations of the Federal Respondents under this Consent Order can only be paid from appropriated funds legally available for such purpose. Nothing in this Consent Order shall be interpreted or construed as a commitment or requirement that any Federal Respondent obligate or pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341, or any other applicable provision of law.

17. Each Respondent's payment includes an amount for: a) past response costs at or in connection with the Site; b) estimated future response costs to be incurred at or in connection with the Site; and c) a premium to cover the risks and uncertainties associated with this settlement, including, but not limited to, the risk that the total amount of response costs incurred or to be incurred at or in connection with implementing the remedies selected for the Site by EPA or any private party will exceed the estimate of total response costs upon which each Respondent's payment is based.

18. Each payment shall be made by certified or cashier's check made payable to "EPA Hazardous Substance Superfund." Each check, or letter accompanying each check, shall identify the name and address of the party making payment, the Site name, the EPA Region and Site Spill ID Number 09BC, and the EPA docket number for this action, and shall be sent to:

EPA Cincinnati Accounting Operations  
Superfund Accounting  
RE: Omega Chemical Special Account  
P.O. BOX 371099M  
Pittsburgh, PA 15251

The total amount to be paid by Respondents pursuant to Paragraph 10 shall be deposited by EPA in the Omega Chemical Special Account within the EPA Hazardous Substance Superfund to be retained and used to conduct or finance response actions at or in connection with the Site, or to be transferred by EPA to the EPA Hazardous Substance Superfund.

19. At the time of payment, each Respondent shall send notice that such payment has been made to:

Linda Ketellapper  
EPA Region 9  
75 Hawthorne Street  
Mail Code SFD-7-B  
San Francisco, California 94109  
ketellapper.linda@epa.gov

## **VIII. FAILURE TO MAKE PAYMENT**

20. If any Respondent fails to make a full payment within thirty days of the effective date of this Consent Order as required by Section VII, that Respondent shall pay Interest on the unpaid balance, commencing on the effective date of this Order and accruing through the date of the payment. In addition, if any Non-Federal Respondent fails to make a timely and full payment, the United States may, in addition to any other available remedies or sanctions, bring an action against that Respondent seeking injunctive relief to compel payment and/or seeking civil penalties under Section 122(l) of CERCLA, 42 U.S.C. § 9622(l), for failure to make timely payment.

21. If the full payment required of the Federal Respondents is not made as soon as reasonably practicable, as required by Section VII, the Hazardous Waste Branch Chief of the EPA Office of Regional Counsel, Region IX, may raise the issue of non-payment to the appropriate U.S. Department of Justice Assistant Section Chief for the Environmental Defense Section.

## **IX. CERTIFICATIONS OF EACH RESPONDENT**

22. By signing this Consent Order, each Respondent individually certifies that, to the best of its, her, or his knowledge and belief, that it, she, or he:

a. has contributed less than 10 tons of materials containing hazardous substances to the Site; that it, she or he contributed waste of minimal toxic and hazardous effect in comparison to the other waste at the Site;

b. has not altered, mutilated, discarded, destroyed or otherwise disposed of any records, documents, or other information relating to its, her, or his potential liability regarding the Site after notification of potential liability or the filing of a suit against it, her, or him regarding the Site; and

c. has and will fully comply with any and all of the EPA requests for information regarding the Site pursuant to Sections 104(e) and 122(e) of CERCLA, 42 U.S.C. §§ 9604(e) and 9622(e).

## **X. COVENANT NOT TO SUE BY UNITED STATES**

23. In consideration of the payments that will be made under the terms of this Consent Order and except as specifically provided in Section II, the United States covenants not to sue or take administrative action against such Respondents pursuant to Sections 106(a) or 107(a) of CERCLA, 42 U.S.C. §§ 9606(a) or 9607(a), relating to the Site. With respect to present and future liability, this covenant not to sue shall take effect for each Respondent upon receipt of that Respondent's payment as required by Section VII. With Respect to each Respondent, individually, this covenant not to sue is conditioned upon:

a. the satisfactory performance by that Respondent of its, her, or his obligations under this Consent Order; and

- b. the veracity of the information provided to EPA by Respondent relating to that Respondent's involvement with the Site. This covenant not to sue extends only to Respondents and does not extend to any other person.

## **XI. RESERVATIONS OF RIGHTS BY THE UNITED STATES**

24. The United States reserves, and this Consent Order is without prejudice to, all rights against Respondents with respect to all matters not expressly included within the Covenant Not to Sue by United States in Section X. Notwithstanding any other provision of this Consent Order, the United States reserves all rights against Respondents with respect to:

- a. liability for failure to meet a requirement of this Consent Order;
- b. criminal liability;
- c. liability for damages for injury to, destruction of, or loss of natural resources, and for the costs of any natural resource damage assessments; or
- d. liability based upon the ownership or operation of the Site, or upon the transportation, treatment, storage, or disposal of hazardous substances or solid waste, or the arrangement for the transportation, treatment, storage, or disposal of a hazardous substance or solid waste at or in connection with the Site, after signature of this Consent Order by Respondent.

25. Notwithstanding any provision in this Consent Order, the United States reserves, and this Consent Order is without prejudice to, the right to institute judicial or administrative proceedings against any individual Respondent seeking to compel that Respondent to perform response actions relating to the Site, and/or to reimburse the United States for additional costs of response if information is discovered which indicates Respondent contributed hazardous substances to the Site in such greater amount or of such greater toxic or other hazardous effects that such Respondent no longer qualifies as a *de minimis* party at the Site because Respondent contributed greater than 10 tons of hazardous substances at the Site, or contributed hazardous substances which are significantly more toxic or are of significantly greater hazardous effect than other hazardous substances at the Site.

## **XII. COVENANTS NOT TO SUE BY RESPONDENTS**

26. Respondents covenant not to sue and agree not to assert any claims or causes of action against the United States, or its contractors or employees, with respect to the Site or this Consent Order, including, but not limited to:

- a. any direct or indirect claim for reimbursement from the Hazardous Substance Superfund based on Sections 106(b)(2), 107, 111, 112, or 113 of CERCLA, 42 U.S.C. §§ 9606(b)(2), 9607, 9611, 9612, or 9613, or any other provision of law;
- b. any claims arising out of response actions at or in connection with the Site, including any claim under the United States Constitution, the Constitution of the State of California, the Tucker Act, 28 U.S.C. § 1491, the Equal Access to Justice Act, 28 U.S.C. § 2412, as amended, or at common law; and

c. any claim against the United States pursuant to Sections 107 and 113 of CERCLA, 42 U.S.C. §§ 9607 and 9613, relating to the Site.

Except as provided in Paragraph 28 (Waiver of Claims) and Paragraph 30 (Waiver of Claim-Splitting Defenses), these covenants not to sue shall not apply in the event the United States brings a cause of action or issues an order pursuant to the reservations set forth in Paragraph 24(c) or (d) or Paragraph 25, but only to the extent that Respondents' claims arise from the same response action, response costs, or damages that the United States is seeking pursuant to the applicable reservation.

27. Nothing in this Consent Order shall be deemed to constitute preauthorization or approval of a claim within the meaning of Sections 111 or 112 of CERCLA, 42 U.S.C. §§ 9611 and 9612, or 40 C.F.R. § 300.700(d).

28. Respondents agree not to assert any claims or causes of action (including claims for contribution under CERCLA) that they may have for all matters to the Site against each other or any other person which is a potentially responsible party under CERCLA at the Site. This waiver shall not apply with respect to any defense, claim, or cause of action that a Respondent may have against any person if such person asserts or has asserted a claim or cause of action relating to the Site against such Respondent.

### **XIII. EFFECT OF SETTLEMENT / CONTRIBUTION PROTECTION**

29. Except as provided in Paragraph 28 (Waiver of Claims), nothing in this Consent Order shall be construed to create any rights in, or grant any cause of action to, any person not a Party to this Consent Order. Except as provided in Paragraph 28 (Waiver of Claims), the United States and the Respondents each reserve any and all rights (including, but not limited to, any right to contribution), defenses, claims, demands, and causes of action which each party may have with respect to any matter, transaction, or occurrence relating in any way to the Site against any person not a party hereto.

30. In any subsequent administrative or judicial proceeding initiated by the United States for injunctive relief, recovery of response costs, or other relief relating to the Site, the Respondents shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, *res judicata*, collateral estoppel, issue preclusion, claim-splitting, or other defenses based upon any contention that the claims raised in the subsequent proceeding were or should have been brought in the instant action; provided, however, that nothing in this Paragraph affects the enforceability of the covenants not to sue included in Paragraph 23.

31. The Parties agree that each Respondent is entitled, as of the effective date of this Consent Order, to protection from contribution actions or claims as provided by Sections 113(f)(2) and 122(g)(5) of CERCLA, 42 U.S.C. §§ 9613(f)(2) and 9622(g)(5), for "matters addressed" in this Consent Order. The "matters addressed" in this Consent Order are all response actions taken or to be taken and all response costs incurred or to be incurred, at or in connection with the Site, by the United States or any other person.

**XIV. PARTIES BOUND**

32. This Consent Order shall apply to and be binding upon the EPA and upon the Respondents and their heirs, successors and assigns. Any change in ownership, political configuration, or corporate or other legal status of a Respondent, including, but not limited to, any transfer of assets or real or personal property, shall in no way alter such Respondent's responsibilities under this Consent Order. Each signatory to this Consent Order certifies that he or she is authorized to enter into the terms and conditions of this Consent Order and to execute and to legally bind the party represented by him or her.

**XV. INTEGRATION/APPENDICES**

33. This Consent Order and its appendices constitute the final, complete and exclusive agreement and understanding among the Parties with respect to the settlement embodied in this Consent Order. The Parties acknowledge that there are no representations, agreements or understandings relating to the settlement other than those expressly contained in this Consent Order. The Parties agree that Appendices A and B to this Consent Order, as described below, will be the final documents issued as Appendices A and B sent to the Respondents on the effective date of this Consent Order. These appendices are attached to and incorporated into this Consent Order; however, in the event of a conflict between this Consent Order and any appendix, this Consent Order shall control:

"Appendix A," entitled "Respondents," is the alphabetical list of Respondents to this Consent Order.

"Appendix B," entitled "Site Maps," are maps of the Site.

**XVI. PUBLIC COMMENT**

34. This Consent Order shall be subject to a public comment period of not less than thirty (30) days pursuant to Section 122(i) of CERCLA, 42 U.S.C. § 9622(i). In accordance with Section 122(i)(3) of CERCLA, 42 U.S.C. § 9622(i)(3), the EPA may withdraw or withhold its consent to this Consent Order if comments received disclose facts or considerations which indicate that this Consent Order is inappropriate, improper or inadequate.

**XVII. ATTORNEY GENERAL APPROVAL**

35. The Attorney General or his designee has approved the settlement embodied in this Consent Order in accordance with Section 122(g)(4) of CERCLA, 42 U.S.C. § 9622(g)(4).

**XVIII. NOTICE OF SETTLEMENT APPROVAL AND EFFECTIVE DATE**

36. The effective date of this Consent Order shall be the date upon which EPA issues written notice to Respondents that the public comment period pursuant to Section XVI (Public Comment) has closed and that comments received, if any, do not require modification of or EPA withdrawal from this Consent Order.

//

Your company or organization's Signature Page will be inserted here.

IT IS SO AGREED AND ORDERED:

U.S. Environmental Protection Agency

By: \_\_\_\_\_  
Keith Takata  
Director, Superfund Division  
Region IX, EPA

\_\_\_\_\_  
Date

## Appendix A

### Respondents

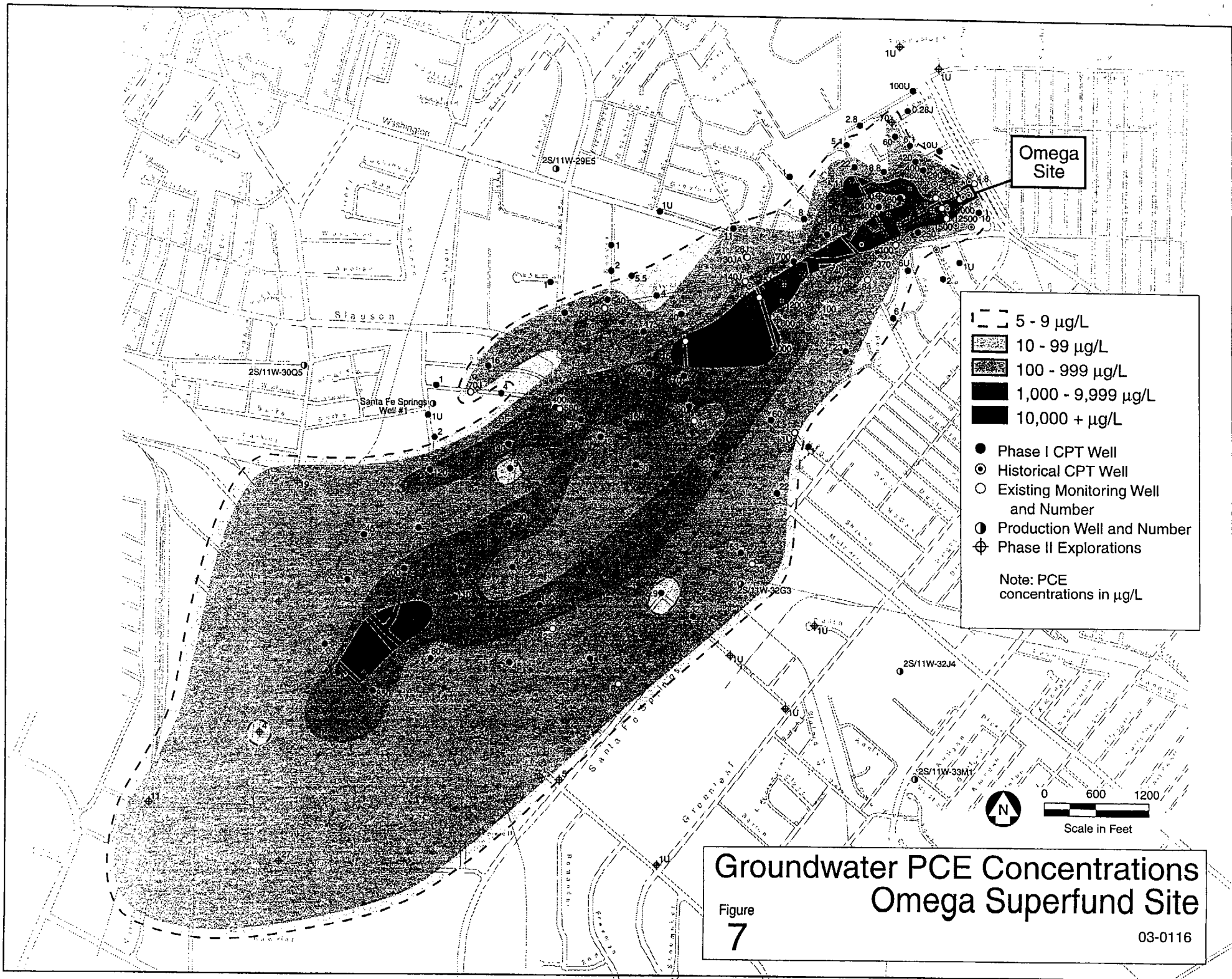
(To be added after EPA receives Respondent signature pages.)



## Appendix B

### Site Maps





Omega Site

5 - 9 µg/L

10 - 99 µg/L

100 - 999 µg/L

1,000 - 9,999 µg/L

10,000 + µg/L

● Phase I CPT Well

⊙ Historical CPT Well

○ Existing Monitoring Well and Number

⊕ Production Well and Number

⊕ Phase II Explorations

Note: PCE concentrations in µg/L

Groundwater PCE Concentrations  
Omega Superfund Site

Figure 7

03-0116

# Omega Site De Minimis Settlement Information

This memorandum explains the de minimis settlement offer the U.S. EPA is now extending to your company or organization. Please carefully review the terms of the proposed Administrative Order on Consent as well; the terms of the Administrative Order on Consent will supersede any conflicting information in any other document.

The memorandum addresses the following topics:

<b>TOPIC</b>	<b>PAGE</b>
The Responsibility of <u>De Minimis</u> Waste Generators for Omega Site Response Costs . . . . .	2
Overview of the Omega Site <u>De Minimis</u> Settlement . . . . .	3
Qualifying for the <u>De Minimis</u> Settlement . . . . .	4
The Cost to Join this Settlement . . . . .	4
Overview of the Expedited Settlement Discount . . . . .	5
Financial Hardship Review . . . . .	6
Volume Review . . . . .	6
The <u>De Minimis</u> Settlement Process . . . . .	7
The Benefits of Joining the Settlement . . . . .	7
How to Obtain More Information about this Settlement . . . . .	8

## **The Responsibility of De Minimis Waste Generators for Omega Site Response Costs**

This settlement offer is being made available to a class of potentially responsible parties who disposed of a comparatively small amount of waste<sup>1</sup> at the Omega Site, and whose waste was not more toxic or hazardous than other site wastes. This class of potentially responsible parties is referred to as “de minimis waste generators.” The U.S. EPA views your company or organization as a waste generator because it, or one of its predecessors, is identified on one or more waste manifests as the generator of wastes disposed of at the Omega Site. Copies of the manifests identifying your company or organization are enclosed. The U.S. EPA believes that your company or organization qualifies for the special settlement opportunities open only to de minimis parties, based on (i) the quantity of waste it disposed of at the Omega Site, and (ii) the probability that it did not dispose of any hazardous substances which are more toxic or hazardous than those already identified at the Omega Site. The Superfund liability of waste generators generally, and the special de minimis settlement opportunities allowed by the Superfund law, are discussed below.

### **1. The Liability of Waste Generators under Superfund**

Under the Superfund law, formally known as the Comprehensive Environmental Response, Compensation, and Liability Act, or “CERCLA,” parties that arranged for the treatment, disposal, or transportation of hazardous substances<sup>2</sup> to a Superfund site (referred to as “generators”) are obligated to finance or undertake certain actions that the U.S. EPA determines are necessary to protect public health, public welfare, or the environment. Generators are also responsible for government costs incurred in response to any release or threatened release of a hazardous substance at a Superfund site. These costs are collectively referred to as “response costs.” Government response costs can include expenditures for investigation, planning, site cleanup, and enforcement. Under Superfund, generators are liable for response costs at the site where their wastes were disposed even if their transporter selected the disposal site.

The threats to human health and the environment posed by the Omega Site are the result of the disposal of a large quantity and variety of hazardous substances by thousands of individual waste generators. It is impossible to distinguish between the harms caused by individual waste generators at the Omega Site; as a result, in legal terms, this harm is considered an “indivisible injury.” When multiple parties cause an indivisible injury, each individual party can be held liable for all of the costs necessary to repair the injury (in legal terms, each party is “jointly and severally

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<sup>1</sup> At the Omega Site, de minimis parties contributed less than 10 tons of waste.

<sup>2</sup> The CERCLA statute defines the term “hazardous substance.” Hazardous substances include a wide variety of materials, some of which are very common. For example, bleach and many other cleaning agents are hazardous substances. Certain solvents, lubricating agents, metals, pesticides, and other chemicals can also be hazardous substances, as can highly acidic or low pH materials and materials that are very corrosive or explosive. Pure petroleum products are generally excluded from the definition of hazardous substances, but petroleum substances (such as waste oils) contaminated with hazardous substances are considered hazardous substances. Many different hazardous substances were disposed of at the Omega Site.

liable” for the injury). Under the Superfund law, each party that sent hazardous substances to the Omega Site is jointly and severally liable for all cleanup actions at the Site, as well as all other response costs incurred or to be incurred by the United States and the State of California.

The Superfund law authorizes the U.S. EPA to require potentially responsible parties to perform remedial work at Superfund sites. It also entitles the United States, and the State of California, to sue potentially responsible parties to recover the costs they have expended at the Site. In addition to these government enforcement authorities, the Superfund law allows potentially responsible parties who have contributed work or funds to help clean up a Superfund site to bring private lawsuits against other potentially responsible parties for contribution.

## **2. Special De Minimis Settlement Opportunities**

The Superfund law provides for special treatment of de minimis parties who choose to settle their liability with the U.S. EPA. Under Superfund, de minimis parties are allowed to resolve their liability with greater finality than larger waste contributors. Compared to settlements with larger waste generators, de minimis settlements provide broader protection to de minimis settlers from lawsuits brought by other potentially responsible parties (called “Contribution Protection”), as well as more comprehensive promises from the United States not to issue orders or sue your company or organization regarding the Site (called “Covenants not to Sue”). Settlements with de minimis parties can take the form of simplified, voluntary administrative settlements called “Administrative Orders on Consent” (or “AOCs”). Your company or organization can participate in a de minimis settlement by paying its fair share toward the costs of cleaning up the Omega Site.

### **Overview of the Omega Site De Minimis Settlement**

The U.S. EPA is now providing your company or organization with an opportunity to resolve its liability for the Omega Site under Superfund. The proposed settlement has been intentionally structured to encourage your company or organization’s participation by providing advantageous settlement terms, including comparatively low settlement payment costs. An explanation of how the U.S. EPA set the settlement payment cost for your company or organization is provided later in this memorandum.

The settlement will take the form of an Administrative Order on Consent. A copy of the proposed Administrative Order on Consent is enclosed. Your company or organization may obtain a five percent (5%) settlement payment reduction by participating in an expedited settlement. If your company or organization cannot pay the full settlement amount required without severe financial hardship, it may submit a financial review application to the U.S. EPA. Your company or organization may also submit a volume review application if it believes that there is an error in its total volume assessment. These options are discussed in detail later in this memorandum.

Your company or organization’s executed signature page, and any of the optional applications described in this memorandum, must be submitted in time to be received by the U.S. EPA no later than 5:00 p.m. on **Friday, May 7, 2004**. No duplicates or copies sent by facsimile will be accepted. Please send your company or organization’s signature page to:

Thanne Cox  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region 9  
75 Hawthorne Street, ORC-3  
San Francisco, California 94105-3901

Settlement payments are due within thirty (30) days after the U.S. EPA notifies your company or organization that the effective date of the Administrative Order on Consent has occurred. The settlement process after signature pages are received is discussed in detail later in this memorandum.

### **Qualifying for the De Minimis Settlement**

This settlement offer is only available to parties who qualify as de minimis waste generators. The Superfund statute limits de minimis waste generator status to parties that contributed comparatively small quantities of wastes which are of comparatively minimal toxic or hazardous effect. In order to ensure that your company or organization meets the requirements for joining the de minimis settlement, your company or organization must make certain certifications as part of the Administrative Order on Consent. The signature of your company or organization's authorized representative constitutes its certification that it contributed less than the de minimis threshold of wastes; that it did not contribute any hazardous substances more toxic than those the U.S. EPA has already identified as having been disposed of at the Omega Site;<sup>3</sup> and that it has cooperated with the U.S. EPA's efforts. Please see the proposed Administrative Order on Consent to review the exact terms of the certification.

### **The Cost to Join this Settlement**

The enclosure entitled "Settlement Cost Summary" shows the amount your company or client is required to pay to join this settlement. The cost to your company or organization to join in this settlement reflects its share of the total cost of cleaning up the Omega Site. Response costs for completed site activities exceed \$12.3 million and projected future response costs are expected to exceed \$89.2 million, resulting in a total of over \$101.5 million for overall response costs.

Your company or organization's share of the total response costs is based on the amount of waste it contributed to the Omega Site, as a portion of the total volume of manifested waste that was disposed of at the site (18,426 tons). Copies of the waste manifests the U.S. EPA attributes to your company or organization are enclosed, together with a summary (entitled "Manifest Summary") listing the manifests and the total volume of waste for your company or

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<sup>3</sup> If your company or organization sent hazardous substances to the Omega Site which are more toxic than those found at the Site, it should use the enclosed application entitled "Application for Parties Who Disposed of More Toxic Contaminants." The list of hazardous wastes found at the Omega Site is contained in Attachment A to that application. The U.S. EPA will determine, after reviewing the application, if your company or organization still qualifies as a de minimis party.

that was disposed of at the site (18,426 tons). Copies of the waste manifests the U.S. EPA attributes to your company or organization are enclosed, together with a summary (entitled "Manifest Summary") listing the manifests and the total volume of waste for your company or organization. The memorandum entitled "Manifest & Volume Database Information" explains how the U.S. EPA calculated the total volume of manifested waste attributed to your company or organization, as well as the total volume of manifested waste disposed of at the Site.

The cost per ton to join this settlement is the total of two components: a base payment and a premium to account for uncertainties in projected future response costs. The base payment was determined by dividing the total estimated Omega Site-wide response cost by 15,096 tons<sup>4</sup>. The premium applied to projected future costs was set at 100%, in accordance with the U.S. EPA's national policy for de minimis settlements. Combining the base payment and the premium payment, the cost per ton to join this settlement is \$12,632 per ton of waste disposed.

The Settlement Cost Summary shows the amount your company or client is required to pay, calculated by multiplying your company or organization's total waste volume by the cost per ton. The Settlement Cost Summary also shows your company or organization's payment if it joins the expedited settlement (a discount of five percent (5%)) discussed below.

### **Overview of the Expedited Settlement Discount**

The U.S. EPA is offering your company or organization the opportunity to obtain a five percent (5%) settlement discount if it participates in an expedited settlement. Many companies and organizations will be prepared to immediately settle their liability on the terms the U.S. EPA is now offering to de minimis parties at the Omega Site. However, other companies or organizations who wish to settle in principle may face financial hardships that make it impossible to pay the full settlement amount, and therefore ask the U.S. EPA to review their financial condition and reduce their settlement payment. Parties that request a financial hardship review will not be eligible for the expedited settlement. In addition, companies or organizations who wish to settle in principle may believe that the total volume assessed to them is in error, and therefore ask the U.S. EPA to review their total volume. If companies or organizations apply in good faith for the volume review by **Friday, May 7, 2004** and in accordance with the enclosure discussed later in this memorandum, the U.S. EPA will conduct the requested reviews and if the U. S. EPA approves a change in volume based on this review, such company or organization will be eligible for the expedited settlement discount.

The cost to your company or organization to settle with the five percent (5%) discount is provided on the enclosed Settlement Cost Summary. Your company or organization will automatically receive the discount if the U.S. EPA receives its settlement signature page no later than **Friday, May 7, 2004**, and if your company or organization does not request either a financial hardship review or a volume review.

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<sup>4</sup> The U.S. EPA estimates that 18% or 3,330 tons of the total manifested waste disposed at the Omega Site (18,426) is attributable to parties who are now defunct/insolvent and/or attributable to parties whose individual waste contributions are below 3 tons. (Total manifested waste volume of 18,426 tons minus 3,330 tons equals 15,096 tons.)



## **Financial Hardship Review**

Parties who wish to join this settlement but who cannot make a single lump sum settlement payment without jeopardizing their ability to conduct their business or maintain their basic living expenses may ask the U.S. EPA to review their financial condition to determine if they qualify for a reduced settlement cost. Applicants must follow all of the instructions, use the forms provided, and supply all of the required detailed financial information (including tax returns) specified in the enclosed memorandum entitled "Instructions & Application for Parties with Limited Financial Abilities," or the U.S. EPA will not be able to conduct the requested review. Parties requesting a financial hardship review must ensure that their executed signature page for this settlement, completed application, and supporting information are received by the U.S. EPA no later than **Friday, May 7, 2004**.

The U.S. EPA will review the information provided, and may require additional financial information before deciding if parties qualify for reduced payments. Only those parties who submit complete and timely applications, and who are subsequently informed by the U.S. EPA that they qualify, may participate in a de minimis settlement for the Omega Site with a reduced payment specified by the U.S. EPA in light of their financial condition. Parties who submit financial review applications but do not qualify for reduced payments will be given the opportunity to participate in a de minimis settlement by making the full settlement payment. In either event, parties who submit financial hardship review applications will have the opportunity to withdraw their signature pages within two weeks after they receive notification of the U.S. EPA's volume review decision. Further information about the financial hardship review process is provided in the enclosed memorandum entitled "Instructions & Application for Parties with Limited Financial Abilities."

## **Volume Review**

Parties who agree in principle to join this settlement but who believe in good faith that there is an error in the total volume amount assessed to them may apply to the U.S. EPA for a volume review. Applicants must follow all of the instructions, use the forms provided, and supply all of the required manifest copies specified in the enclosed memorandum entitled "Instructions & Application for Parties Seeking Volume Review," or the U.S. EPA will not be able to conduct the requested review. Parties seeking volume review must ensure that their executed settlement signature page, completed application, and supporting information are received by the U.S. EPA no later than **Friday, May 7, 2004**.

The U.S. EPA will review the information provided and may require additional supporting information before deciding if a volume assessment was erroneous. Parties who are subsequently informed by the U.S. EPA that their volume assessment was incorrect will be allowed to join a de minimis settlement by making a revised settlement payment specified by the U.S. EPA. Parties who submit volume review applications but are not granted reduced volumes will be allowed to participate in a settlement by making the full settlement payment. In either event, parties who submit volume review applications will have the opportunity to withdraw their signature pages within two weeks after they receive notification of the U.S. EPA's volume review decision. Further information about the volume review process is provided in the enclosed memorandum entitled "Instructions & Application for Parties Seeking Volume Review."

## **The De Minimis Settlement Process**

Once the U.S. EPA receives all of the signature pages, it will proceed to finalize the settlement process with parties who participate in the expedited settlement and who did not submit any review applications. Parties who submit financial hardship review and/or volume review applications will participate in a later settlement. The expedited settlement and subsequent settlements will follow the same process, which is described below.

The U.S. EPA's first step in the settlement process after compiling the signature pages is to publish a notice in the Federal Register regarding the proposed settlement, initiating a public comment period. The U.S. EPA will accept comments on the terms of the Administrative Order on Consent from persons who are not parties to the settlement during a thirty-day comment period. The U.S. EPA will then evaluate any issues raised by the comments received during the comment period.

Unless the U.S. EPA modifies or withdraws its consent of the settlement due to issues raised by public comments, or the U.S. EPA fails to obtain the approval of the settlement from the U.S. Attorney General, the U.S. EPA will send a settlement entry letter to all of the settling parties informing them that (i) the public comment period has closed, (ii) the comments the U.S. EPA received, if any, do not require modification or withdrawal of the settlement, and (iii) the U.S. Attorney General has approved the settlement. The settlement entry letter will also include instructions for making the payments required by the settlement, which will be due thirty days from the receipt of the letter. The date that the U.S. EPA issues the settlement entry letter will be the effective date of the Administrative Order on Consent. The benefits of the settlement to each company or organization will be effective upon receipt of its settlement payment.

## **The Benefits of Joining the Settlement**

The U.S. EPA is now offering advantageous settlement terms to your company or organization. The cost to join the settlement is comparatively low. Your company or organization is being offered various settlement options, and the opportunity to request financial hardship or volume reviews. These benefits will accrue to your company or organization through a simplified administrative settlement process, rather than a judicial process. Specifically, in this settlement the U.S. EPA will promise not to sue you in the future for the Omega Site costs or work. And if your company or organization is sued in the future by other parties liable at the Omega Site, the U.S. EPA will promise to protect your company or organization in that litigation. Moreover, this settlement is a one time payment and release of any obligation for which you might otherwise have to pay additional costs or perform work at the Omega Site.

If your company or organization chooses not to settle, it is unlikely that it will be given another opportunity with equivalent benefits. When a potentially responsible party refuses a settlement offer, the U.S. EPA considers it to be a "recalcitrant." If the U.S. EPA offers recalcitrant parties additional settlement opportunities, it generally increases the cost to join the settlement, in fairness to parties who joined earlier settlements. The U.S. EPA may also issue unilateral orders to recalcitrant parties to perform work at Superfund sites, and has done so in the

past at the Omega Site. The U.S. EPA and/or the State of California may sue recalcitrant parties to recover response costs. Recalcitrant parties may also be sued for contribution by private parties who have expended costs on a Superfund site.

In short, the U.S. EPA believes that it is in your company or organization's best interest to take advantage of this settlement opportunity. We encourage your company or organization to participate. If your company or organization would like to learn more before deciding to join this settlement, we encourage your company or organization to use the resources described in the following section of this memorandum.

### **How to Obtain More Information about this Settlement**

The U.S. EPA is providing several ways for your company or organization to obtain more information about this settlement opportunity. If your company or organization has access to the world-wide web, it may visit a web page for the Omega Site. It may review documents related to the Omega Site at a repository in the Los Angeles area, or at the Superfund Records Center in San Francisco. Your company or organization may also contact us by calling a special toll-free number or sending an e-mail to an address reserved for de minimis settlement inquiries. The U.S. EPA is holding an informational meeting on **February 12, 2004** in Los Angeles for parties who wish to pose their questions in person. Each of these information sources is described below.

Omega Site Web Page. We have established a web page on the U.S. EPA Region IX internet web site with information about the Omega Site. It may be found at:

**<http://yosemite.epa.gov/r9/sfund/overview.nsf>**

Document Repositories. Copies of site-related documents are located at EPA's Regional Office in San Francisco and at the information repository listed below:

Superfund Records Center  
95 Hawthorne Street (4<sup>th</sup> Floor)  
San Francisco, CA 94105  
Ph: (415) 536-2000

Whittier Public Library  
7344 S. Washington Avenue  
Whittier, CA 90602  
Ph: 562-464-3450

Special Information Line & E-Mail Address. If you want to ask us any questions about the de minimis settlement, we encourage you to call the special information line for the Omega Site de minimis settlement. The telephone number is:

**1-888-635-1524**

For your convenience, we have also set up an e-mail address for your inquiries. Please briefly describe the nature of your question in the subject field of any e-mail you send to us, to help us direct it to the most appropriate person for a prompt response. Please direct e-mail inquiries to the following address:

**omega@epa.gov**

Due to the large number of parties involved in the de minimis settlement process for the Omega Site, we may not be able to respond to your telephone or e-mail inquiries immediately, but we promise to make every effort to respond as quickly as we can.

Informational Meeting. The U.S. EPA is offering de minimis parties the opportunity to attend an informational meeting to learn more about the Omega Site and to ask any questions they may have about this de minimis settlement. The meeting will be held on **February 12, 2004**, from 1:00 p.m. to 5:00 p.m., at the Sheraton Gateway Hotel, Los Angeles Airport, located at 6101 West Century Boulevard in Los Angeles, California. Your company or organization is welcome to send a representative to the meeting; however, attendance is wholly voluntary, and parties wishing to minimize their transaction costs need not attend.

Contacting the Larger Waste Generators. Your company or organization may also wish to contact the Omega Chemical Site PRP Organized Group or "OPOG", the workgroup formed by the larger waste contributors (referred to as "major" waste generators), for their views on the Omega Site and its progress. Please direct any questions you may have for OPOG to Chuck McLaughlin, of de maximis, Inc., at (909) 222-0387.

## Optional Applications

Instructions and applications for parties seeking financial review or volume review and for parties who disposed of hazardous substances more toxic than those listed in Attachment A to the Application for Parties who Disposed of More Toxic Contaminants are attached. Please review the Omega Site De Minimis Settlement Information memorandum and all of the relevant instructions before completing any of the attached applications. The U.S. EPA will not be able to process incomplete or improperly completed applications. If your company or organization chooses to submit any of these applications, your company or organization must ensure that its application(s) is/are received by the U.S. EPA at the address noted below no later than 5:00 p.m. on **May 7, 2004**. All of the applications **must be accompanied by an executed settlement signature page**. Please see the instructions accompanying each application and the Omega Site De Minimis Settlement Information memorandum for more details.

Thanne Cox  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region IX  
75 Hawthorne Street, ORC-3  
San Francisco, California 94105-3901

### Attachments

- Instructions & Application for Parties with Limited Financial Abilities
- Instructions & Application for Parties Seeking Volume Review
- Application for Parties Who Disposed of More Toxic Contaminants

## Instructions & Application for Parties with Limited Financial Abilities

De minimis parties that agree to settle in principle, but face such financial hardship that they could not pay the full settlement cost without jeopardizing their ability to conduct business or, for individuals, to maintain their basic living expenses, may request a financial review by submitting the appropriate supporting documentation and completed form(s) along with their signature page for the settlement. The executed signature page, completed forms, and all required supporting documentation must be submitted in time to be received by the U.S. EPA at the address noted in the offer letter no later than 5:00 p.m. on **Friday, May 7, 2004**. If the U.S. EPA determines that your company or organization's financial condition does not warrant a settlement reduction, your company or organization will have the opportunity to participate in a de minimis settlement by making the full settlement payment, or can withdraw its signature page within two weeks after it receives notification of the U.S. EPA's decision.

Please read all of the instructions before completing the appropriate forms. **Incomplete applications will not be accepted for review. The U.S. EPA requires that all supporting documentation be submitted with this application even if previously submitted. The U.S. EPA will not conduct a financial review unless this application is submitted.** Please note that it will take the U.S. EPA some time to review your application, and that the U.S. EPA may request additional information to complete the review. Please also note that parties who submit financial review applications cannot participate in the expedited settlement and will not be eligible for the 5 percent discount.

### **Business Confidentiality Claims**

You may assert a business confidentiality claim covering all or part of the information requested herein, as provided in 40 Code of Federal Regulations ("C.F.R.") Section 2.203(b). To make a confidentiality claim, please follow the instructions provided in Attachment A to this document.

## **INSTRUCTIONS**

1. If your company or organization is a corporation, complete and return only the Financial Statement for Businesses (Attachment B). In all other cases, complete and return both the Financial Statement for Businesses and the Individual Ability to Pay Claim Financial Data Request Form (Attachment C). If your company or organization is a partnership, you must complete and return the Financial Statement for Businesses and each general partner must also submit a completed Individual Ability to Pay Claim Financial Data Request Form.
2. All blanks on the form(s) must be filled in with responsive information or with "Not Applicable," if the question does not apply to you or your situation.
3. All property valuations listed on the form(s) must be based on current market value, e.g., the mutually agreed sales price between two parties (a willing buyer and seller);
4. You or an official duly authorized by your company or organization must sign and date the form(s). In addition, you must provide the name, title, and telephone number of a person we may contact to resolve questions or ambiguities, or from whom we may seek additional verification and information; and
5. You must provide an explanation for any changes or discrepancies between tax returns and financial statements, or significant inconsistencies between successive years of tax returns. Discrepancies or inconsistencies which are not satisfactorily explained will require additional substantiation or verification before a claim of inability to pay will receive consideration.

### **Required Documentation**

You must provide the following documentation:

1. Copies of federal income tax returns for the five most recent years, with all schedules, notes and attachments;
2. Copies of audited financial statements for the five most recent years, including auditor's opinion, balance sheet, income statement, statement of cash flows and supporting notes and schedules. If audited statements are not available, please submit unaudited financial statements, including balance sheet, income statement, statement of cash flows and supporting notes and schedules;
3. Bank statements for the most recent twelve-month period for any checking, savings, or other demand deposit accounts owned or controlled by you or your company or organization or for which you or an authorized officer of your company or organization has signatory authority;
4. Fill in the address and sign the enclosed IRS Form 8821 (Attachment D);

5. Identify all property, casualty and/or liability insurance policies, and any other insurance contracts, held by your company or organization for the period beginning with the first known instance in which your company or organization arranged for treatment or disposal of hazardous substances at the Omega Chemical Superfund Site. If your company or organization acquired another company, assumed assets and liabilities of another company, or merged with another company which arranged for treatment or disposal of hazardous substances at the Omega Chemical Superfund Site, please identify all insurance policies and any other insurance contracts held by such other company for the period beginning with the first known instance in which the acquired, assumed or merged company arranged for treatment or disposal of hazardous substances at the Omega Chemical Superfund Site to the present. In identifying such policies, state:
  - a. The name and address of each insurer and of the insured;
  - b. The type of policy and policy numbers;
  - c. The effective dates for each policy; and,
  - d. The per occurrence policy limits of each policy;
6. Provide a statement of the maximum amount that you believe you or your company are financially able to pay to resolve your liability; and
7. Provide any additional information which may be relevant in evaluating your or your company's ability to pay.

If you have questions regarding these instructions or your limited financial ability please direct those questions to:

Kate Taylor  
Financial Analyst  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street (SFD-7-B)  
San Francisco, California 94105  
Telephone (415) 972-3123

#### Attachments

- Business Confidentiality Claims (Attachment A)
- Financial Statement for Businesses (Attachment B)
- Individual Ability to Pay Claim Financial Data Request Form (Attachment C)
- IRS Form 8821 (Attachment D)



**Attachment A**

**to Instructions and Application**  
**for Parties with Limited Financial Abilities**

## **Attachment A**

### **Business Confidentiality Claims**

**Confidential Information.** The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b). If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. clearly identify the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

Disclosure to EPA's Authorized Representatives. Information which you submit in response to this information request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40.C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. The authorized representatives of EPA to which EPA may disclose information contained in your response are as follows:

1. Arctic Slope Regional Corp.  
EPA Contract Number 68-R9-0101
2. Department of Toxic Substances Control/California  
Environmental Protection Agency
3. Science Applications International Corporation  
EPA Contract Number GS-10F-0076J

Any subsequent additions or changes in EPA contractors who may have access to your response to this request will be published in the Federal Register.

This information may be made available to these authorized representatives of EPA for any of the following reasons: to assist with document handling, inventory, and indexing; or to assist with document review and analysis for verification of completeness; or to provide expert technical review of the contents of the response. Pursuant to 40 C.F.R. §2.310(h), you may submit comments on EPA's disclosure of any confidential information contained in your response by EPA to its authorized representatives along with the response itself, within the specified period in which the response is due.

**Attachment B**

**to Instructions and Application**  
**for Parties with Limited Financial Abilities**



U.S. Environmental Protection Agency, Region IX

**Financial Statement for Businesses \***

(If additional space is needed, attach a separate sheet)

1. Your name and address (including zipcode and county)	1a. Business name and address (including zipcode and county)	2. Business phone number ( )	
3. Name and address of registered agent (including zipcode and county)		4. (Check appropriate box) <input type="checkbox"/> Sole proprietor <input type="checkbox"/> Trust <input type="checkbox"/> Partnership <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> Corporation	
5. State of Incorporation (or country if foreign)	5a. Employer Identification Number	6. Date of Incorporation	7a. Type of business 7b. SIC Code

8. Information about owner, partners, officers, directors, major shareholder (5% or more stock ownership), other holders of more than 5% equity interest, holders of rights to purchase more than equity interest and other persons with an ability to control.

Name and Title	Effective Date	Home Address	Social Security Number (optional)	Phone Number	Total Shares or Interest

**Section I****General Financial Information**

9. Last three years Federal and state income tax returns	Forms Filed	Tax Years ended	Net income before taxes
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10. Bank accounts (List all types of accounts including checking, savings, certificates of deposit, etc.)

Name of Institution	Address	Type of Account	Account No.	Balance
Total (Enter in Item 19)				

11. Bank Credit available (Lines of credit, etc.)

Name of Institution	Address	Credit Limit	Amount Owed	Credit Available	Monthly
Totals					

12. Location, box number, and contents of all safe deposit boxes rented or accessed

\* This information is requested pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9604, and is not subject to approval of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

## Section I - continued

## General Financial Information

## 13. Real property

Brief Description and Type of Ownership	Address (include county, state and parcel number)
a.	
b.	
c.	

## 14. Insurance policies owned with business as beneficiary

Name Insured	Company	Policy Number	Type	Face Amount	Available Loan Value
Total (Enter in Item 21)					

15. Additional Information (Court and administrative proceedings by or against the business, settlement agreements, agreements to purchase or sell tangible or financial assets other than in the ordinary course of business, legal claims [whether asserted or not], bankruptcies, repossessions, recent transfers of assets for less than full value, anticipated increases in income, options to buy or sell real or personal property, real or personal property being purchased under contract, real or personal property being held on behalf of the business).

15a. List all subsidiaries owned, joint ventures, partnerships and other entities controlled by the business. Provide current market value of the business' interest in such subsidiary or other entity.

## 16. Federal government departments or agencies with whom you have a contract for payment of goods or services

Agency Name	Address	Contract No.	Amount to be Received	Payment Due Date

16a. Federal government departments or agencies that have extended or given the business loans, grants or assistance, or to which you have applied (or anticipate applying for any loan, grant, or assistance) in the past 5 years.


## 17. Accounts/Notes receivable (include loans to stockholders, officers, partners, etc.)

Agency Name	Address	Amount Due	Due Date	Status
Total (Enter in Item 20)				

## Section II.

## Asset and Liability Analysis

Description (a)	Cur. Mkt Value (b)	Liabilities Bal. Due (c)	Equity in Asset (d)	Amount of Mo. Pymt. (e)	Name and Address of Lien/Note Holder/Obligee (f)	Date Pledged (g)	Date of Final Pymt. (h)
18. Cash on hand							
19. Bank accounts							
19a. Securities and other financial assets owned							
20. Accounts/Notes receivable							
21. Insurance Loan Value							
22. Real property (from item 13)	a.						
	b.						
	c.						
	d.						
23. Vehicles (Model, year, license)	a.						
	b.						
	c.						
24. Machinery and equipment (Specify)	a.						
	b.						
	c.						
25. Merchandise inventory (Specify)	a.						
	b.						
26. Other Assets (including permits, licenses, tax loss carry forwards, agreements not to compete, other contracts) (Specify)	a.						
	b.						
	c.						
	d.						
27. Other Liabilities (Include judgements, notes, tax liens, etc.)	a.						
	b.						
	c.						
	d.						
	e.						
28. Federal & State Taxes Owed							
29. Totals							

# Section III.

## Income and Expense Analysis

The following information applies to income and expenses during a one year period:

Accounting method used

\_\_\_\_\_ to \_\_\_\_\_

Income		Expenses	
30. Gross receipts from sales, services, etc.	\$	36. Materials purchased	\$
31. Gross rental income		37. Wages and salaries of employees	
32. Interest		38. Wages/salaries/bonuses for officers, directors and stockholders	
33. Dividends		39. Rent	
34. Other income (Specify)		40. Installment payments (from line 29)	
		41. Supplies	
		42. Utilities / Telephone	
		43. Gasoline / Oil	
		44. Repairs and maintenance	
		45. Insurance	
		46. Current taxes	
		47. Other , including fees paid for services (Specify)	
35. Total	\$	48. Total	\$
		49. Net difference	\$

50. List all transferred real & personal property, including cash (by gift; by loan that was not at fair market terms; by sale for less than fair market value or made outside the normal course of business, etc.) that was made within the last 3 years (items of \$3,000.<sup>00</sup> or more):

Date	Amount	Property Transferred	To Whom	Conditions of Transfer
			(Indicate any relationship to business or its partners, directors, stockholders, or other controlling persons)	

### Certification

Under penalties of perjury, I declare that to the best of my knowledge and belief this statement of assets, liabilities, and other information is true, correct, and complete.

51. Signature	52. Print Name / Title	53. Date
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**Attachment C**

**to Instructions and Application  
for Parties with Limited Financial Abilities**

**INDIVIDUAL ABILITY TO PAY CLAIM**  
Financial Data Request Form

This form requests information regarding your financial status. The data will be used to evaluate your ability to pay for environmental clean-up or penalties. If there is not enough space for your answers, please use additional sheets of paper. Note that we may request further documentation of any of your responses. We welcome any other information you wish to provide supporting your case, particularly, if you feel your situation is not adequately described through the information requested here. **Failure to answer all the questions clearly and completely may result in denial of your claim of inability to pay.**

**Certification**

Under penalties of perjury, I declare that this statement of assets, liabilities, and other information is true, correct, and complete to the best of my knowledge and belief. I further understand that I will be subject to prosecution by the United States Government to the fullest extent possible under the law should I provide any information that is not true, correct, and complete to the best of my knowledge.

Signature

Date

\_\_\_\_\_

<p><b>Name:</b> _____</p> <p><b>Spouse's Name:</b> _____</p> <p><b>Address:</b> _____ _____ _____</p> <p><b>County of Residence</b> _____</p>
---

## PART I. BACKGROUND INFORMATION

### 1. MEMBERS OF HOUSEHOLD (List the head of the household and all persons living with you)

Name	Age	Relationship to Head of Household	Currently Employed?
1.			
2.			
3.			
4.			
5.			
6.			
7.			

### 2. Employment (List all jobs held by persons in household)

Name	Employer	Length of Employment	Annual Salary
1.			
2.			
3.			
4.			
5.			
6.			
7.			

2a. If you have other employment, state the name and address of your employer, the position held by you, the date(s) you began this employment, period of payment and salary.

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2b. Are you self-employed or do you own all or any part of a business as sole owner, partner, or stockholder?  
☐ Yes  
☐ No

2c. If your answer to question 2b is "yes," state the name and address of the business, the type of business conducted, the form of business organization, (e.g. corporation, partnership, sole proprietorship), the date you acquired your interest in the business, the nature of your ownership interest, the present value of your interest, and your office or position in the business.

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2d. Were any articles of incorporation, partnership or certificates of doing business under a fictitious name filed with any governmental agency by the enterprise(s) identified in question 2c?  
☐ Yes  
☐ No

2e. If so, for each such filing, state: (i) the nature of the document filed, (ii) the location where filed; and (iii) the date of filing.

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**3. INCOME (List all income earned by persons in the household. If members of the household other than the applicant and spouse earn income, please itemize on a separate page.**

Source	Gross (Pre-Tax)		Period of Payment (check one)			
	Applicant	Spouse	Weekly	Monthly	Quarterly	Yearly
Wages/Salaries						
Sales Commissions						
Investment Income(interest, dividends, capital gains, etc.)						
Net business Income						
Rental income						
Retirement income (Pension, Social Security, etc)						
Child Support						
Alimony						
Other income (please itemize)						

## PART II. CURRENT LIVING EXPENSES

Please list personal living expenses which were typical during the last year and indicate if any of these values are likely to change significantly in the current year. Please do not include business expenses. If you are the owner of an operating business, please attach any available financial statements.

Expense	Amount	Period of Payment (check one)				For Agency Use ONLY
		Weekly	Monthly	Quarterly	Yearly	
A. Living Expense						
1. Rent or Mortgage Payment						
2. Home Maintenance						
3. Auto fuel maint./other transp.						
4. Utilities						
a. Fuel (gas, oil, propane)						
b. Electric						
c. Water/sewer						
d. Telephone						
5. Food						
6. Clothing, personal care						
7. Medical costs						
B. Debt Payments						
1. Car payments						
2. Credit card payments						
3. Other loan payments						
4. Other loan payments						
C. Insurance						
1. Household insurance						
2. Life insurance						
3. Automobile insurance						
4. Medical insurance						
D. Taxes						
1. Property taxes						
2. Federal income taxes						
3. State income taxes						
4. FICA						
E. Other Expenses						
1. Childcare						
2. Current school tuition						
3. Legal or professional services						
4. Other						
<b>Total Current Expenses</b>						

### PART III. NET WORTH

Please provide the following information to the best of your ability. Data should be as current as possible. Estimates are acceptable; please note all estimates with an "E".

If you are the sole proprietor of a business, please list business assets and liabilities in addition to personal assets and liabilities. Please list the business assets and liabilities on a separate form.

#### 1. BANK ACCOUNTS (Checking, NOW, Savings, Money Market, CDs etc.)

Describe and state ownership and value of any account or shares held by (1) you, (2) your spouse, (3) your dependents, or (4) anyone on your behalf in any bank, building and loan association, saving institution, cooperative, or credit union.

Name and Address of Bank or Institution	Type of Account	Current Balance
1.		
2.		
3.		
4.		
5.		
For Agency Use only - Total Current Balance in Bank Accounts		

#### 2. INVESTMENTS (Stock, Bonds, Mutual Funds, Options, Futures, Real Estate Investment trusts, etc.)

Investment	Number of Shares or Units	Current Market Value
1.		
2.		
3.		
4.		
5.		
For Agency Use Only - Total Estimated Market Value of Investments		

#### 3. RETIREMENT FUNDS AND ACCOUNTS (IRA, 401(k), Keogh, vested interest in company retirement)

Description of Account	Estimated Market Value
1.	
2.	
3.	
4.	
For Agency Use Only - Total Estimated Value of Retirement Funds and Accounts	

**4. LIFE INSURANCE POLICIES (Whole Life, Universal Life, etc.)**

State the names and address of all insurers with whom you have policies of life or accident insurance; give the date, face value, and cash surrender value of each policy, and specify which policies are payable to your estate.

Policy Holder	Issuing Company	Policy Value	Cash Value
1.			
2.			
3.			
4.			
5.			
For Agency Use Only - Total Value of Life Insurance Policies			

**5a. VEHICLES USED FOR COMMUTING PURPOSES ONLY**

Brand and Model	Year	Estimated Market Value
1.		
2.		
For Agency Use Only - Total Estimated Market Value of Vehicles		

**5b. OTHER VEHICLES (Cars, Trucks, Motorcycles, Motor Homes, Trailers, Boats, Airplanes, etc.)**

Brand and Model	Year	Estimated Market Value
For Agency Use Only - Total Estimated Market Value of Vehicles		

**6. Personal Property (Describe the Household Goods and Furniture, Jewelry, Art, Antiques, Collections, Precious Metals, etc. valued at \$ 1000 or more per item or \$ 5000 or more in the aggregate owned by (1) you, (2) your spouse, or (3) your dependents.**

Type of Property	Estimated Market Value
1.	
2.	
3.	
4.	
5.	
For Agency Use Only - Total Estimated Market Value of Personal Property	



**7a. REAL ESTATE - PRIMARY RESIDENCE (Home-List only one such residence)**

Location	Legal Description of Property	Estimated Market Value

**7b. OTHER REAL ESTATE (Land, Buildings, Land with Buildings, Mineral Rights)**

Location	Legal Description of Property	Estimated Market Value
1.		
2.		
3.		
4.		
5.		
For Agency Use Only - Total Estimated Market Value of Real Estate		

**8. OTHER ASSETS**

8a. Have you made or do you hold or own, or have a lien upon, any claim by suit or otherwise against the United States or any other party?

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8b. (i) Do you have any vested or contingent future interest in any property, or to the payment of any money, for any reason whatsoever?

(ii) If so, state the nature and source of such interest, the location of the property, the identity and address of any person or institution that may be involved, the circumstances that will cause the property or money to inure to your benefit, and the probable value or amount thereof.

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8c. (i) Is any money or property held in trust for (1) you, (2) your spouse, or (3) your dependents?

(ii) If so, state the name and address of the trustee or other fiduciary, identify the trust, state what monies or property are held in trust, the value thereof, and the date upon which the trust is to terminate.

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8d. If any monies or property are held in trust for (1) you, (2) your spouse, or (3) your dependents, state the amount of income which is or may be received therefrom, the timing of such payments, give the value of the corpus of trust which may be distributed to (1) you, (2) your spouse, or (3) your dependents, and the expected date of distribution.

8e. What other sources of income or property, actual or potential do (1) you, (2) your spouse, or (3) your dependents have which you have not disclosed in answer to previous questions, and what is the value thereof?

Type of Asset	Estimated Market Value
1.	
2.	
3.	
4.	
5.	
For Agency Use Only - Total Other Assets	

#### 9. CREDIT CARDS AND LINES OF CREDIT

Credit Card/Line of Credit (Type)	Owed To	Balance Due
1.		
2.		
3.		
4.		
5.		
6.		
For Agency Use Only - Total Balance Due on Credit cards and Lines of Credit		

#### 10. VEHICLE LOANS (Cars, Trucks, Motorcycles, Motor Homes, Travel Trailers, Airplanes, etc)

Vehicle (Model and Year)	Owed To	Balance Due	Start Date	End Date
1.				
2.				
3.				
4.				
For Agency Use Only - Total Balance Due on Vehicle Loans				

**11. FURNITURE AND HOUSEHOLD GOODS LOANS**

Type of Loan	Owed To	Balance Due	Start Date	End Date
1.				
2.				
3.				
4.				
For Agency Use Only - Total Balance Due - Furniture & Hhg Loans				

**12. MORTGAGES AND REAL ESTATE LOANS**

Type of Loan	Owed To	Property Secured Against	Balance Due	Start Date	End Date
1.					
2.					
3.					
4.					
For Agency Use Only - Total Balance Due - Mortgages and Real Estate loans					

**13. OTHER DEBT (Amounts due to individuals, Fixed Obligations, Taxes Owed, Overdue Alimony Child Support, etc.**

13a. Are any suits or judgements pending against you?

13b If so, state the full details, including the dates and amounts of recent payments thereon made for you and whether your salary has been garnished and by whom.

Type of Debt	Owed To	Balance Due	Start Date	End Date
1.				
2.				
3.				
4.				
5.				
For Agency use only - Total Balance Due on Other Debt				

#### PART IV. ADDITIONAL INFORMATION

Please respond to the following questions. For any question that you answer "Yes" please provide additional information on separate pages or at the bottom of this page.

QUESTION	YES	NO
1. Do you have any reason to believe that your financial situation will change during the next year?		
2. Are you currently selling or purchasing any real estate?		
3. Is anyone (or any entity) holding any real or personal property on your behalf, (trust) ?		
4. Are you the party in any pending lawsuit?		
5. Have any of your belongings been repossessed in the last three years?		
6. Are you a Trustee, Executor, or Administrator?		
7. Are you a participant or beneficiary of an estate or profit sharing plan?		
8. Have you declared bankruptcy in the last seven years?		
9. Do you receive any type of federal aid or public assistance?		

**Attachment D**

**to Instructions and Application**  
**for Parties with Limited Financial Abilities**

Form **8821**

(Rev. January 2000)

Department of the Treasury  
Internal Revenue Service**Tax Information Authorization**

▶ IF THIS AUTHORIZATION IS NOT SIGNED AND DATED, IT WILL BE RETURNED.

OMB No. 1545-1165

For IRS Use Only

Received by:

Name

Telephone ( )

Function

Date / /

**1 Taxpayer information.**

Taxpayer name(s) and address (please type or print)

Social security number(s)

Employer identification number

Daytime telephone number

Plan number (if applicable)

**2 Appointee.**

Name and address (please type or print)

CAF No. ....

Telephone No. ( )

Fax No. ( )

Check if new: Address ☐Telephone No. ☐**3 Tax matters.** The appointee is authorized to inspect and/or receive confidential tax information in any office of the IRS for the tax matters listed on this line.

(a) Type of Tax (Income, Employment, Excise, etc.)	(b) Tax Form Number (1040, 941, 720, etc.)	(c) Year(s) or Period(s)	(d) Specific Tax Matters (see instr.)

**4 Specific use not recorded on Centralized Authorization File (CAF).** If the tax information authorization is for a specific use not recorded on CAF, check this box. (See the instructions on page 2.) ▶ ☐

If you checked this box, skip lines 5 and 6.

**5 Disclosure of tax information** (you must check the box on line 5a or b unless the box on line 4 is checked):a If you want copies of tax information, notices, and other written communications sent to the appointee on an ongoing basis, check this box ▶ ☐b If you do not want any copies of notices or communications sent to your appointee, check this box ▶ ☐**6 Retention/revocation of tax information authorizations.** This tax information authorization automatically revokes all prior authorizations for the same tax matters you listed above on line 3 unless you checked the box on line 4. If you do not want to revoke a prior tax information authorization, you MUST attach a copy of any authorizations you want to remain in effect AND check this box ▶ ☐

To revoke this tax information authorization, see the instructions on page 2.

**7 Signature of taxpayer(s).** If a tax matter applies to a joint return, either husband or wife must sign. If signed by a corporate officer, partner, guardian, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute this form with respect to the tax matters/periods covered.

Signature

Date

Signature

Date

Print Name

Title (if applicable)

Print Name

Title (if applicable)

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Purpose of form.** Form 8821 authorizes any individual, corporation, firm, organization, or partnership you designate to inspect and/or receive your confidential information in any office of the IRS for the type of tax and the years or periods you list on this form. You may file your own tax information authorization without using Form 8821, but it must include all the information that is requested on the form.

Form 8821 does not authorize your appointee to advocate your position with respect to the Federal tax laws; to execute waivers, consents, or closing agreements; or to otherwise represent you before the IRS. If you want to authorize an individual to represent you, use Form 2848, Power of Attorney and Declaration of Representative.

Use **Form 56**, Notice Concerning Fiduciary Relationship, to notify the IRS of the existence of a fiduciary relationship. A fiduciary (trustee, executor, administrator, receiver, or guardian) stands in the position of a taxpayer and acts as the taxpayer. Therefore, a fiduciary does not act as an appointee and should not file Form 8821. If a fiduciary wishes to authorize an appointee to inspect and/or receive confidential tax information on behalf of the fiduciary, Form 8821 must be filed and signed by the fiduciary acting in the position of the taxpayer.**Taxpayer identification numbers (TINs).** TINs are used to identify taxpayer information with corresponding tax returns. It is important that you furnish correct names, social security numbers (SSNs), individual taxpayer identification numbers (ITINs), or employer identification numbers (EINs) so that the IRS can respond to your request.

**Partnership items.** Sections 6221-6231 authorize a Tax Matters Partner to perform certain acts on behalf of an affected partnership. Rules governing the use of Form 8821 do not replace any provisions of these sections.

**When to file.** Form 8821 must be received by the IRS within 60 days of the date it was signed and dated by the taxpayer.

**Where to file.** Generally, mail or fax Form 8821 directly to the Centralized Authorization File (CAF) Unit at the service center where the related return was, or will be, filed. To find the service center address, see the related tax return instructions. To get the fax number, call 1-800-829-1040.

If Form 8821 is for a specific tax matter, mail or fax it to the office handling that matter. For more information, see the instructions for line 4.

## Specific Instructions

### Line 1—Taxpayer information

**Individuals.** Enter your name, TIN, and your street address in the space provided. **Do not** enter your appointee's address or post office box. If a joint return is used, also enter your spouse's name and TIN. Also enter your EIN if applicable.

**Corporations, partnerships, or associations.** Enter the name, EIN, and business address.

**Employee plan.** Enter the plan name, EIN of the plan sponsor, three-digit plan number, and business address of the plan sponsor.

**Trust.** Enter the name, title, and address of the trustee, and the name and EIN of the trust.

**Estate.** Enter the name, title, and address of the decedent's executor/personal representative, and the name and identification number of the estate. The identification number for an estate includes both the EIN, if the estate has one, and the decedent's TIN.

**Line 2—Appointee.** Enter your appointee's full name. Use the identical full name on all submissions and correspondence. If you wish to name more than one appointee, indicate so on this line and attach a list to the form.

**Note:** Only the first three appointees you list will be input on the CAF.

Enter the nine-digit CAF number for each appointee. If an appointee has a CAF number for any previously filed Form 8821 or power of attorney (Form 2848), use that number. If a CAF number has not been assigned, enter "NONE," and the IRS will issue one directly to your appointee.

The CAF number is a number that the IRS assigns to appointees. The appointee's CAF number must be used on all future Forms 8821 or 2848. The IRS does not assign CAF numbers to requests for employee plans and exempt organizations.

**Line 3—Tax matters.** Enter the type of tax, the tax form number, the years or periods, and the specific tax matter. Enter "Not applicable," in any of the columns that do not apply.

In **column (c)**, write the years using the YYYY format, for example, "2000." **Do not** use general references such as "all years," or "all periods." If you do, your application will be returned.

You may list any year or periods, but for future periods, you are limited to the 3 future periods that end no later than 3 years after the date Form 8821 is received by the IRS. For **employment tax** or **excise tax** returns, enter the applicable quarters of the tax year. For **estate tax** returns, enter the date of the decedent's death instead of the year or period.

In **column (d)**, enter any specific information you want the IRS to provide. Examples of column (d) information are: transcript of an account, a balance due amount, a specific tax schedule, or a tax liability.

For requests regarding a **foreign certification** shown on **Form 6166**, Certification of Filing A Tax Return, enter "Form 6166" in column (d) and check the box on line 4.

**Line 4—Specific use not recorded on CAF.** Generally, the IRS records all tax information authorizations on the CAF system. However, authorizations relating to a specific issue are not recorded.

Check the box on line 4 if Form 8821 is filed for any of the following reasons: (1) requests to disclose information to loan companies or educational institutions, (2) requests to disclose information to Federal or state agency investigators for background checks, (3) civil penalty issues, (4) trust fund recovery penalty,

(5) application for EIN, or (6) claims filed on **Form 843**, Claim for Refund and Request for Abatement. If you check the box on line 4, your appointee should mail or fax Form 8821 to the IRS office handling the matter. Otherwise, your appointee should bring a copy of Form 8821 to each appointment to inspect or receive information. A specific use tax information authorization does not automatically revoke any prior tax information authorizations.

**Line 6—Retention/revocation of tax information authorizations.** Check the box on this line and attach a copy of the tax information authorization you do not want to revoke.

To revoke an existing authorization, send a copy of the previously executed Form 8821 to the IRS office where it was filed. Write "REVOKE" across the top of the form and sign your name again under the existing signature (line 7). If you do not have a copy of the prior Form 8821, send a letter to the IRS office where you filed it. The letter must indicate that the authority of the tax information authorization is revoked and must be signed by the taxpayer. Include the name and address of each appointee whose authority is revoked.

**Note:** Filing Form 8821 does not revoke any Form 2848 that is in effect.

### Line 7—Signature of taxpayer(s)

**Individuals.** You must sign and date the authorization. **Either** husband or wife must sign if Form 8821 applies to a joint return.

**Corporations.** Generally, Form 8821 can be signed by: (1) an officer having legal authority to bind the corporation, (2) any person designated by the board of directors or other governing body, (3) any officer or employee on written request by any principal officer and attested to by the secretary or other officer, and (4) any other person authorized to access information under section 6103(e).

**Partnerships.** Generally, Form 8821 can be signed by any person who was a member of the partnership during any part of the tax period covered by Form 8821. See **Partnership items** above.

**All others.** See section 6103(e) if the taxpayer has died, is insolvent, is a dissolved corporation, or if a trustee, guardian, executor, receiver, or administrator is acting for the taxpayer.

**Privacy Act and Paperwork Reduction Act Notice.** We ask for the information on this form to carry out the Internal Revenue laws of the United States. Form 8821 is provided by the IRS for your convenience and its use is voluntary. If you designate an appointee to inspect and/or receive confidential tax information, you are required by section 6103(c) to provide the information requested on the form. Under section 6109, you must disclose your social security number (SSN), employer identification number (EIN), or individual taxpayer identification number (ITIN). If you do not provide all the information requested on this form, we may not be able to honor the authorization.

Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, and to cities, states, and the District of Columbia for use in administering their tax laws. We may also give this information to other countries pursuant to tax treaties.

You are not required to provide the information requested on a form unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Disclosure of the information on this form may be made as provided in section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is: **Recordkeeping**, 7 min.; **Learning about the law or the form**, 12 min.; **Preparing the form**, 24 min.; **Copying, assembling, and sending the form to the IRS**, 20 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001. **DO NOT** send Form 8821 to this address. Instead, see **Where to file** on this page.



## Instructions & Application for Parties Seeking Volume Review

De minimis parties who believe their assessed volume is in error may request a review of their volume assessment by submitting the appropriate supporting documentation and completed Application for Volume Review form along with their signature page for the settlement. The executed signature page, completed application form, and all required supporting documentation must be submitted in time to be received by the U.S. EPA at the address noted in the offer letter no later than 5:00 p.m. on **Friday, May 7, 2004**. If, after conducting the review, the U.S. EPA determines that your company or organization's original volume assessment was incorrect, it will inform your company or organization of the revised volume and the adjustment made by the Agency to your company or organization's settlement payment including the 5% discount for the expedited settlement. If the U.S. EPA determines that your company or organization's original volume assessment was correct, your company or organization will have the opportunity to participate in a de minimis settlement by making the full settlement payment but will not receive the 5% discount for the expedited settlement. In either event, your company or organization can withdraw its signature page within two weeks after it receives notification of the U.S. EPA's volume review decision.

Please read the Omega Site De Minimis Settlement Information memorandum, the Manifest and Volume Database Information memorandum, and all the instructions before completing this application. **Incomplete applications will not be accepted for review. The U.S. EPA requires that all supporting documentation be submitted with this application even if previously submitted. The U.S. EPA will not conduct a volume review unless this completed application is submitted.** Please note that it will take the U.S. EPA some time to review your application, and that the U.S. EPA may request additional information to complete the review.

To challenge the volume assigned to a manifest or your company or organization's legal responsibility for the wastes, your company or organization must provide clear and convincing evidence satisfactory to the U.S. EPA that a different volume is correct for that manifest or that your company or organization is not the correct legal entity associated with the manifest(s). Participation in the volume review process does not require any admission of liability by your company or organization.



## **INSTRUCTIONS**

1. Complete all the information required on the first page of the form, providing the name of your company or organization and the requested contact information. The contact name for purposes of this volume review process need not be the same person your company or organization designated as its Primary Contact for other purposes.

2. To help us complete our review more quickly, please check the box adjacent to the description of every category of error type that fits any of your company or organization's manifests.

3. Using the Manifest Review List, list chronologically the manifests you would like the U.S. EPA to review. For each manifest, enter the Manifest Date and the code(s) for the applicable error type(s). Please also supply a description of the problem(s) affecting the manifest. If you would like the U.S. EPA to review more manifests than you can list on the enclosed Manifest Review List form, please make additional copies of the form. We cannot adequately review manifests that are not appropriately identified on the Manifest Review List.

4. Attach copies of the manifests in chronological order (using the same order you listed them in on the Manifest Review List).

5. Complete the certification attesting to the veracity of the representations you have made in the application, under threat of penalty for having made false statements to the U.S. Government.

6. Submit the completed Application for Volume Review, along with the executed settlement signature page, in time to be received by the U.S. EPA at the address noted in the offer letter no later than 5:00 p.m. on Friday, May 7, 2004.

7. Business Confidentiality Claims. You may assert a business confidentiality claim covering all or part of the information requested herein, as provided in 40 Code of Federal Regulations ("C.F.R.") Section 2.203(b). To make a confidentiality claim, please follow the instructions provided in Attachment A to this document.

## Application Form for Volume Review

If your company or organization wishes to request a volume review, it must complete this form in accordance with the instructions and submit it, **accompanied by your company or organization's executed settlement signature page**, in time for it to be received by the U.S. EPA at the address noted in the offer letter no later than 5:00 p.m. on **Friday, May 7, 2004**.

Company Name:

Contact Name:

Contact Title:

Street Address:

City, State & Zip:

Telephone Number:

Fax Number:

E-Mail Address:

**Error Types.** Please check every error type that is applicable to any manifest you would like the U.S. EPA to review. Please list each manifest you submit for review on the Manifest Review List, using the letter code(s) adjacent to the applicable error type description in the column on the Manifest Review List labeled "Error Type(s)."

☐ **A** **Data Input Error.** The total calculated quantity on one or more manifest(s) do(es) not match the data on the Manifest Summary. Please describe the problem for each affected manifest, enter the letter code "A" in the Error Type(s) column, and attach a copy of each manifest.

☐ **B** **Generator Identification Error.** One or more manifest(s) was or were attributed to the wrong generator (i.e., it does not belong to your company or organization). Please describe the problem for each affected manifest, enter the letter code "B" in the Error Type(s) column, and attach a copy of each manifest.

☐ **C** **Other Error.** The volume assigned to one or more manifest(s) is in error for a reason not covered in one of the above categories. Please describe the problem for each affected manifest, enter the letter code "C" in the Error Type(s) column, attach supporting documentation, and attach a copy of each manifest.

## Manifest Review List

[illegible]

Attach additional copies of this form as necessary to list more manifests. If more room is need for descriptions, use 8 1/2 x 11 paper.

\* List letter code(s) for applicable error type(s), as provided in application.

## CERTIFICATION

I hereby certify, under threat of penalty for having made false statements to the United States Government, that the foregoing representations in this Application for Volume Review are true and correct to the best of my information and belief.

Dated: \_\_\_\_\_, 2004

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(Signature)

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(Printed Name)

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(Title)

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(Relationship to company  
or organization)

**Attachment A**  
**to Instructions and Application**  
**for Parties Seeking Volume Review**

## **Attachment A**

### **Business Confidentiality Claims**

**Confidential Information.** The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b). If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. clearly identify the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and, if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information including any redacted versions of documents are in one envelope, and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

Disclosure to EPA's Authorized Representatives. Information which you submit in response to this information request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40.C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. The authorized representatives of EPA to which EPA may disclose information contained in your response are as follows:

1. Arctic Slope Regional Corp.  
EPA Contract Number 68-R9-0101
2. Department of Toxic Substances Control/California  
Environmental Protection Agency
3. Science Applications International Corporation  
EPA Contract Number GS-10F-0076J

Any subsequent additions or changes in EPA contractors who may have access to your response to this request will be published in the Federal Register.

This information may be made available to these authorized representatives of EPA for any of the following reasons: to assist with document handling, inventory, and indexing; or to assist with document review and analysis for verification of completeness; or to provide expert technical review of the contents of the response. Pursuant to 40 C.F.R. §2.310(h), you may submit comments on EPA's disclosure of any confidential information contained in your response by EPA to its authorized representatives along with the response itself, within the specified period in which the response is due.

## Application for Parties who Disposed of More Toxic Contaminants

If your company or organization sent hazardous substances to the Omega Site more toxic than those listed on Attachment A to this Application, it should use this application. The U.S. EPA will determine, after reviewing this application, if your company or organization still qualifies as a de minimis party.

Company Name:

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Contact Name:

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Contact Title:

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Street Address:

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City, State & Zip:

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Telephone Number:

-----

Fax Number:

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E-Mail Address:

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Please list, in the space below, **only** the hazardous substances your company or organization disposed of at the Omega Site that are more toxic than those listed in Attachment A to this Application. Please use CAS (Chemical Abstracts Service) number, if available, in addition to the chemical name.

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**Attachment A to Application for  
Parties who Disposed of More Toxic Contaminants**

**Contaminants List**

<u>Organic</u>	<u>Organic</u>	<u>Inorganic</u>
1,1,1-Trichloroethane	Chloroform	Aluminum
1,1,2,2-Tetrachloroethane	Chloromethane	Antimony
1,1,2-Trichloro-1,2,2-Trifluoroethane	Cis-1,2-Dichloroethene	Arsenic
1,1,2-Trichloroethane	Cis-1,3-Dichloropropene	Barium
1,1-Dichloroethane	Cyclohexane	Beryllium
1,1-Dichloroethene	Dichlorodifluoromethane	Cadmium
1,2,4-Trichlorobenzene	Ethane	Calcium
1,2,4-Trimethylbenzene	Gamma-Bhc (Lindane)	Chloride
1,2-Dibromo-3-Chloropropane	Gamma-Chlordane	Chromium
1,2-Dibromoethane	Methane	Cobalt
1,2-Dichlorobenzene	Methyl Tert-Butyl Ether	Copper
1,2-Dichloroethane	Methylcyclohexane	Cyanide
1,2-Dichloropropane	Methylene Chloride	Iron
1,3-Dichlorobenzene	Nitrate+nitrite	Lead
1,4-Dichlorobenzene	Perchlorate	Magnesium
1,4-Dioxane	Phenol	Manganese
Acetone	Potassium	Mercury
Alpha-Chlordane	Tetrachloroethene	Nickel
Benzene	Toluene	Selenium
Bicarbonate Alkalinity	Total Alkalinity	Silver
Bis(2-Ethylhexyl)phthalate	Total Dissolved Solids	Sodium
Bromodichloromethane	Total Organic Carbon	Sulfate
Bromoform	Trans-1,2-Dichloroethene	Sulfide
Carbon Disulfide	Trans-1,3-Dichloropropene	Thallium
Carbon Tetrachloride	Trichloroethene	Vanadium
Carbonate Alkalinity	Trichlorofluoromethane	Zinc
Chlorobenzene	Vinyl Chloride	
Chlorodibromomethane	Xylenes (Total)	
Chloroethane		

Recipients of February 6, 2004 Mailing

Liabe Company Name	Volume (tons)
3M Company	3.965
Aaron Thomas Company, Inc.	4.77
Action Printed Circuits	7.1099
Advanced Cardiovascular Systems	5.9631
Aeroscientific Corporation	4.587
Aircraft Cylinder & Turbine, Inc.	3.6279
Allan Hancock College	3.134
Allen Foam Corporation	5.95
Allen L Bender, Inc.	5.2457
Allergan, Inc.	7.6728
All-Star Print, Inc.	5.6926
ALPS Electric (North America), Inc.	4.8164
Amada Mfg America Inc.	4.17
American International Industries	8.8611
Amerimax Building Products, Inc.	8.34
Aristech Chemical Corporation	4.25
Arnold Construction Co.	3.5445
Arral Industries, Inc.	3.1275
Arrow Electronics, Inc.	4.6913
Arrowhead Brass Products, Inc.	8.0731
Ashland, Inc.	3.6696
Atlantic Richfield Company	3.2109
Atoll Holdings, Inc.	4.8164
Auto Coach Inc.	9.9663
Automotive Caliper Exchange Incorporated	8.6528
B. Braun Medical Inc.	3.1935
Babcock, Inc.	3.0282
Baker-Bradford Holdings	4.1283
Baldwin Park Unified School District	3.1126
BC Laboratories, Inc.	6.1633
Beckman Coulter, Inc. dba Beckman Instruments, Inc.	8.3959
Betterbilt Chemicals	5.2751
Bevelite Adler	8.069
BI Technologies Corporation	9.4034
Big Three Industries, Inc.	7.1307
Biltmore Towers	5.2751
Bob Nobles Chevrolet, Inc.	3.312
Bowen Printing, Inc.	4.9969
Brunton Enterprises, Inc.	3.065
Bryant Die Cast Co.	3.8781
Burns International Services Corporation	7.4568
Cal Energy Operating Corporation	7.8188
California Chassis, Inc.	7.0682

Liabe Company Name	Volume (tons)
Jacuzzi Whirlpool Bath, Inc.	4.25
Jafr Cosmetics International, Inc.	7.5447
JBL Incorporated	6.5664
JBL Scientific Inc.	3.4403
Kern High School District	6.4785
Korpac-USA	4.587
K-Tube Corporation	4.3994
Kwikset Corporation	7.6103
Kyowa America Corporation	6.2751
Ladder Industries	4.3577
Laguna Laboratories, Inc.	3.6696
Litronic Industries, Inc.	8.5485
Lockheed Martin Corporation	7.4409
Lockheed Martin Electro-Optical Systems, Inc.	6.6512
Loews Santa Monica Hotel, Inc.	5.2959
Long Beach Unified School District	8.3446
Loyola Marymount University	4.1909
Luppen Holdings, Inc.	3.8364
M & M Printed Bag, Inc.	6.1925
MAACO Enterprises, Inc.	6.1299
Macerich Property Management Company, LLC	4.9623
Madison Industries	9.1519
Magnetic Data California, LLC	5.2751
Mail-Well I Corporation	6.6164
Martek Power Abbott, Inc.	6.6303
Masonite Corporation	8.7153
Matthews International Corporation	8.12
Maxon Industries, Inc.	6.0674
McGraw-Edison Company	5.75
Melles Griot, Inc.	8.9697
Merle Norman Cosmetics, Inc.	5.1223
Mid-Cal Painting & Drywall, Inc.	4.7955
Mighty Mover Trailers, Inc.	3.1097
Minson Corporation	4.7538
Mnemonics, Inc.	7.1669
Moore Wallace North America, Inc.	3.2526
Morgan Gallacher, Inc.	5.004
National Steel and Shipbuilding Company	7.2975
Navcom Defense Electronics, Inc.	8.9447
New Pacific Realty Corporation	4.17
Newton Heat Treating Company, Inc.	3.2109
Nobel Biocare USA, Inc.	6.2717
Northern California Labels, Inc.	4.8606

Recipients of February 6, 2004 Mailing

Liabe Company Name	Volume (tons)
California Institute of Technology	3.9294
California State University, Long Beach	4.2326
California State University, Los Angeles	3.0085
Carrier Corporation	9.5266
Carvin Corp.	5.5044
Cast Metal Finishing	3.1892
CASate Dept of Health Services	9.6
CASate, Metropolitan State Hospital	4.9873
Catholic Healthcare West	4.6324
CBS Broadcasting, Inc.	3.4403
Cedars-Sinai Medical Center	3.899
Centerpulse Dental Inc.	4.2117
Central Plants, Inc.	4.7432
Central Plaza	7.538
Centre Properties Ltd.	4.35
Ceradyne, Inc.	5.421
Channel Industries, Inc.	9.6119
Chiera, Inc.	5.0231
Children's Hospital of Los Angeles	3.6696
City of Carlsbad	5.1362
City of Long Beach	9.9842
City of Los Angeles	8.9046
City of Redondo Beach Fire Department	3.0441
City of Santa Barbara	3.0935
City Steel Treating	3.2943
Cleator Corporation	7.1099
Clopay Corporation	5.3168
CNF Inc.	5.2407
Codeline Corporation	9.7787
College of The Desert	3.753
Combustion Engineering, Inc.	3.4085
ConocoPhillips Company	3.0679
Consolidated Metco, Inc.	4.275
Continental Heat Treating, Inc.	7.9022
Corchem Corporation	7.3392
Cosco Industries, Inc.	8.7362
Couch and Philippi, Inc.	8.7153
County of Mohave	6.1299
County of Orange, California	5.4419
County of Riverside	3.271
County of San Luis Obispo	3.0024

Liabe Company Name	Volume (tons)
Northwestern, Inc.	5.7028
Oakite Products, Inc.	6.4427
Occidental Fire and Casualty Company of North Carolina	7.3392
Omni Metal Finishing, Inc.	4.587
Ontario-Montclair School District	4.8372
OTC Tracor Flight Systems, Inc.	6.9222
Oxnard Union High School District	3.6696
Painting & Stripping Corporation of America	7.1099
Pall Filtration and Separations Group Inc.	3.371
Pan Pacific Fisheries, Inc.	8.6736
Pasadena City College	4.3577
Pasminco Incorporated	5.9623
Peerless Cine Products	4.562
Penske Corporation	3.4006
PerfectData Corporation	3.2109
Perkinelmer, Inc.	3.1464
Permalite Plastics Corporation	7.0723
Petro Lock, Inc.	8.757
Philips Electronics North America Corporation	6.8805
Photo Chemical Products of California, Inc.	5.567
Photo Chemical Products of California, Inc.	5.567
Photo Fabricators, Inc.	7.6896
Pneudraulics, Inc.	3.2109
Pocino Foods Company	3.4277
Porcelain Metals Corporation	3.2109
Precision Anodizing, Inc.	8.9447
Precision Tag & Label Corporation	8.8764
Premier Refractories, Inc.	3.3275
Primus Group, Inc.	6.7346
Print Sales, Inc.	7.2717
Quaker City Plating & Silversmith, LP	5.0457
R & S Processing Company, Inc.	4.1491
R and R Industrial Waste Haulers, Inc.	8.34
Radiant Technology Corporation	4.8998
Rand McNally & Company	5.4836
Rantec Power Systems Inc.	4.2367
Raphael, Inc.	3.1275
Rexam Beverage Can Company	3.2109
Riccobon & Company	6.0465
Ricoh Electronics, Inc.	5.813
Riverside County Publishing Company of California	4.1075

Recipients of February 6, 2004 Mailing

Liabile Company Name	Volume (tons)
Crown Coach, Inc.	3.6696
CTS Corporation	5.0457
Cubic Communications, Inc.	3.7996
Cypress College	4.1478
D&D Holland Enterprises LLC	5.5445
Daico Industries, Inc.	4.0935
Dale Carter's Sacramento Plating, Inc.	4.6
Darner Motor Sales, Inc.	3.1697
Data Label Products, Inc.	5.9659
Del Mar Analytical, Inc.	3.2484
Denso Sales California, Inc.	4.4411
Derby Holdings Ltd.	9.2574
Deringer Mfg. Company	5.7338
Dixco Diversified Chemical Sales	3.2109
DKC Holdings, Inc.	7.6445
Downey Valve Co.	9.8829
Dunn-Edwards Corporation	3.4403
E.I. Du Pont De Nemours and Company	4.9623
Eagle Marine Services, Ltd.	3.014
Earl Scheib Paint & Supply Co.	3.5862
Eastman Kodak Company	3.2267
Ed-Lin Auto Body, Inc.	3.336
Enclos Corp.	5.0604
Essef Corporation	3.0858
Essilor Optical, Inc.	3.1856
ExxonMobil Chemical Company	6.9421
Firestone	6.3801
Fleet Aerospace, Inc.	3.5028
Fleetwood Motor Homes of California, Inc.	7.7979
Fong & Fong Printers and Lithographers, Inc.	4.0449
Fort Kent Holdings, Inc.	5.9631
Frazee Industries, Inc.	7.3601
Friction Inc.	5.8969
General Ribbon Corp.	5.7338
Geo International Corporation	3.5654
Georges & Shapiro Lithograph, Inc.	4.9415
Gilbert Industrial Corporation	6.8805
Giumarra Vineyards Corporation	4.025
Glendale Adventist Medical Center	3.3184
Good Marc, Inc.	3.6628
Good-West Rubber Corp.	8.8591
Gramman Enterprises, Inc.	3.0483
Graycon, Inc.	3.775

Liabile Company Name	Volume (tons)
Robinson Helicopter Company, Incorporated	9.4239
Rooke Corp.	3.8364
S & H Cabinets and Manufacturing, Inc.	3.0853
San Diego USD	3.3569
San Joaquin Refining Co., Inc.	5.838
Santa Fe Braun, Inc.	8.1057
Santa Fe Braun, Inc.	8.1057
Sears, Roebuck and Co.	6.092
Senior Operations, Inc.	4.1492
Sharpe Manufacturing Co.	8.0273
Shepherd Machinery Corporation	3.718
Shibuya International, Inc.	5.3342
Shield Packaging of California, Inc.	8.1315
Shop Vac Corporation	4.1658
Siemens Solar Industries International, Inc.	9.4805
Simpson Strong-Tie Company Inc.	7.1099
Six Flags Theme Parks Inc.	4.587
Snaeco Specialty Corporation	5.2279
Solder Station-One, Inc.	4.1283
Source Scientific, Inc.	3.7351
Southwest Chemical Co.	5.5253
Southwestern Industries, Inc.	3.8156
Space Age Plating, Inc.	3.0055
Spreckels Sugar Company, Inc.	4.5
Square D Company	5.0712
Superior Controls Co., Inc.	3.3694
Tec Color Craft	5.1291
Tech-Graphic, Inc.	7.2558
Textron Inc.	7.506
The A&T Group, Inc.	5.2617
The Aerospace Corporation	7.5751
The Alpha Corporation of Tennessee	3.2943
The Distribution Group, Inc.	3.2109
The Fairchild Corporation	5.6295
The Glidden Company	8.5485
The Hartley Company	7.7979
The Okonite Company	4.341
The Signs and Services Company	3.0858
Thomas & Betts Corporation	3.4403
Thomas CNC Machining	6.0382
Thums Long Beach Company	5.0249
Tregen Corp. Inc.	7.984
Truck Accessories Group, Inc.	3.7509

Recipients of February 6, 2004 Mailing

<b>Liabe Company Name</b>	<b>Volume (tons)</b>
Griffith Company	3.1275
Group One Label, Inc.	5.371
Hamby Corporation	3.2526
Hamilton Sundstrand Corporation	3.5118
Harmon Industries, Inc.	5.8862
Henkel Corporation	4.667
Hermetic Seal Corporation	4.7872
Hewlett-Packard Company	4.587
Hexcel Corporation	6.9222
HLM Labeling Incorporated	4.0324
Holly Decorations, Inc.	9.8204
Hotel Del Coronado	5.108
Hotel Del Coronado	5.108
I & I Deburring, Inc.	6.7763
I Corp. dba Digmor California	7.3869
Illinois Tool Works, Inc.	5.7546
Image Transform, Inc.	4.5787
IMO Industries, Inc.	9.4034
Industrial Property Management	4.0783
Interface Technology, Inc. - DTI Holdings, Inc.	3.4403
In-Terminal Services Corporation	3.6
International Business Machines Corporation	3
International Label & Tape Co.	6.535
IT Corporation	6.9714
Ivy Hill Corporation	3.336
J.C. Penney Corporation, Inc.	6.0466
J.D. Property Management, Inc.	3.55
J.R. Simplot Company	7.235
Jackson Corporation	6.5469

<b>Liabe Company Name</b>	<b>Volume (tons)</b>
Tyco Electronics Corporation	5.9868
Tyco International (US) Inc.	4.2951
U.S. Foodservice, Inc.	3.9218
Unidynamics/ Phoenix, Inc.	3.6696
Unistrut Corporation	5.863
US Airways, Inc.	8.2704
USDA Forest Service	4.8816
USDOVA	9.4659
Utility Body Company	3.1484
Valley Motor Center, Inc.	3.7739
Valley Plating Works, Inc.	5.7963
Valspar Industries, Inc.	3.2109
Ventura Regional Sanitation District	8.2979
Ventura Townehouse, Inc.	7.8111
Veritas Software Technology Corporation	5.3333
Verizon Communications, Inc.	8.765
Vista Ford	3.8573
Vitarel Microelectronics, Inc.	7.4476
Waltco Engineering Co.	8.1684
Wells Fargo Bank	3.1522
Western Circuits, Inc.	5.0249
Western Tube & Conduit Corporation	4.0245
Westmont College	5.8555
Wilder's Painting	5.7338
Williams Furnace Co.	9.4451
Wm. J. Matson Company	3.3986
Xerox Corporation	6.0293
York International Corporation	6.7327



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105

April 9, 2004

Via Federal Express

Re: Revision to Omega Chemical Superfund Site Settlement Offer - Volume Review

Dear Sir or Madam:

As a result of feedback provided to the United States Environmental Protection Agency (the "U.S. EPA") by De Minimis "potentially responsible parties" or "PRPs" for the Omega Chemical Superfund Site, the U.S. EPA has decided to modify the Settlement Offer for all PRPs as follows:

The initial Settlement Offer stated that "If your company or organization submits the enclosed signature page in time to be received by the U.S. EPA no later than 5:00 p.m. on Friday, May 7, 2004 and does not apply for a financial and/or volume review, the settlement amount will be automatically reduced by five percent (5%)." Many de minimis parties felt that the five percent discount should be available to any party who submits the signature page by May 7, 2004, regardless if that party also submits a volume challenge.

The U.S. EPA has now reconsidered this requirement and determined that companies or organizations that submit the signature page alone, or signature page with a volume review by the stated deadline will automatically receive the five percent discount. Therefore, the previous statement is modified to state that "If your company or organization submits the enclosed signature page in time to be received by the U.S. EPA no later than 5:00 p.m. on Friday, May 7, 2004 and does not apply for a financial ~~and/or volume~~ review, the settlement amount will be automatically reduced by five percent (5%)."

Attached please find a revised signature page. The last paragraph of the revised signature page has been revised to reflect the change discussed above.

If you have any questions, please contact the toll-free Omega information line at 1-888-635-1524.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth Adams", is positioned above the typed name.

Elizabeth Adams, Chief  
Superfund Site Cleanup Branch

cc: Keith Millhouse, OPOG  
Thanne Cox, EPA  
Linda Ketellapper, EPA  
Chris Lichens, EPA

Omega De Minimis Administrative Order on Consent Signature Page

**Certance LLC for CIPHER DATA PRODUCTS**

\_\_\_\_\_, by the  
[Respondent]  
duly authorized representative named, titled and signed below, hereby consents to this  
Administrative Order on Consent and agrees to be bound by the terms and conditions thereof.

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATED: \_\_\_\_\_

Mailing name and address for this Respondent, or for his, her or its agent for service of process:

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

**OPTIONAL ENCLOSURES- Please check the appropriate box if you are filing either of the following optional applications:**

- ☐ Application for financial review to qualify for reduced payment (see note on following page)
- ☐ Application for volume review (see note on following page)

**If you submit this signature page on time, and do not file the Application for Financial Review, your settlement payment will automatically be reduced by 5%.**

**NOTE REGARDING APPLICATION FOR FINANCIAL REVIEW TO QUALIFY FOR REDUCED PAYMENT:** If the Respondent chooses this option, Respondent must submit the signature page together with the required financial statements, supporting documents, and signed certification, as described in the Omega Site De Minimis Settlement Offer Letter and its enclosures. If the Respondent provides these materials, the Respondent will have 14 days in which to withdraw the signature page after the U.S. EPA notifies Respondent of the result of the U.S. EPA's financial review.

**NOTE REGARDING APPLICATION FOR VOLUME REVIEW:** If the Respondent chooses this option, Respondent must submit the signature page together with the required review form, copies of relevant manifests, other supporting documents, and the Respondent's signed certification, as described in the Omega Site De Minimis Settlement Offer Letter and its enclosures. If the Respondent provides these materials, the Respondent will have 14 days in which to withdraw the signature page after the U.S. EPA notifies Respondent of the result of the U.S. EPA's volume review.



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**Tracking number** 640808401813  
**Signed for by** P.FILIPEK  
**Ship date** Apr 9, 2004  
**Delivery date/time** Apr 13, 2004 10:17 am

**Reference number** 06-5026-01-0506-000  
**Delivered to** Ship'g/Receiv'g  
**Delivery location** COSTA MESA CA  
**Service type** Standard Overnight

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Date/time	Status	Location	Comments
<b>Apr 13, 2004</b> 10:17 am	<b>Delivered</b>	COSTA MESA CA	
	8:49 am On FedEx vehicle for delivery	IRVINE CA	
<b>Apr 12, 2004</b> 6:03 pm	Package status	IRVINE CA	Package in FedEx location
	12:08 pm Delivery attempt	COSTA MESA CA	Customer not available or Business closed
	7:08 am On FedEx vehicle for delivery	IRVINE CA	
	7:05 am Arrived at FedEx Destination Location	IRVINE CA	
<b>Apr 10, 2004</b> 3:59 am	Arrived at Sort Facility	LOS ANGELES CA	
	3:54 am Left FedEx Sort Facility	OAKLAND CA	
<b>Apr 9, 2004</b> 9:15 pm	Left FedEx Origin Location	OAKLAND CA	
	8:50 pm Arrived at Sort Facility	OAKLAND CA	
	6:20 pm Left FedEx Origin Location	OAKLAND CA	
	5:30 pm Picked up by FedEx	OAKLAND CA	

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Module H, 4th Floor  
Memphis, TN 38116

U.S. Mail: PO Box 727  
Memphis, TN 38194-4643

Telephone: 901-369-3600

4/19/2004

Dear Customer:

Here is the proof of delivery for the shipment with tracking number **640808401813**. Our records reflect the following information.

---

**Delivery Information:**

---

**Signed For By:** P.FILIPEK



**Delivery Location:** 1670 SUNFLOWER AVE.

**Delivery Date:** April 13, 2004

**Delivery Time:** 1017

---

**Shipping Information:**

---

**Tracking No:** 640808401813

**Ship Date:** April 9, 2004

**Recipient:**

HOWARD MATTHEWS, PRESIDENT  
CERTANCE LLC  
16650 SUNFLOWER AVENUE  
COSTA MESA, CA 92626  
US

**Shipper:**

APRIL PIERSON  
SAIC  
1404 FRANKLIN STREET 6TH FLOOR  
OAKLAND, CA 94612  
US

**Shipment Reference Information:**

06-5026-01-0506-000

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